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EIGHTY-FIRST DAY—SATURDAY, MAY 22, 1971

The House met at 2:30 p.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Denton	Johnson	Patterson
Adams	Doran	Jones, D.	Pickens
Allen, Joe	Doyle	Jones, G.	Poerner
Atwell	Earthman	Jungmichel	Poff
Baker	Farenthold	Kaster	Presnal
Bass, B.	Finck	Kost	Price
Bass, T.	Finnell	Kubiak	Reed
Beckham	Finney	Lee	Rosson
Bigham	Foreman	Lemmon	Sanchez
Blanton	Gammage	Lewis	Santiesteban
Blythe	Garcia	Ligarde	Shannon
Bowers	Grant	Lombardine	Sherman
Boyle	Hale	McAlister	Short
Bynum	Hanna, Joe	Mengden	Silber
Calhoun	Hannah, John	Moncrief	Spurlock
Cates	Harding	Moore, A.	Stroud
Cavness	Harris	Moore, T.	Tarbox
Christian	Hawkins	Murray	Traeger
Clayton	Hawn	Nabers	Truan
Coats	Haynes	Newton	Tupper
Cobb	Head	Nichols	Uher
Craddick	Hilliard	Niland	Von Dohlen
Cruz	Holmes, T.	Nugent, J.	Williams
Daniel	Howard	Ogg	Williamson
Davis, D.	Hubenak	Parker, C.	
Davis, H.	Hull	Parker, W.	

Absent

Agnich	Clark	Nelms	Solomon
Allred	Cole	Neugent, D.	Swanson
Angly	Graves	Rodriguez	Vale
Atwood	Jones, E.	Salem	Wayne
Burgess	Kilpatrick	Schulle	Wieting
Caldwell	Lovell	Simmons	Wolff
Carrillo	Moreno	Smith	

Absent-Excused

Allen, John	Heatly	McKissack	Slack
Braecklein	Hendricks	Moore, G.	Slider
Braun	Holmes, Z.	Orr	Stewart
Dramberger	Ingram	Salter	Ward
Floyd	Longoria	Semos	Wyatt
Golman			

(Mr. Spurlock occupied the Chair temporarily)

(Speaker in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Griffith Moore on motion of Mr. Hawn.

Mr. Zan Holmes on motion of Mr. Stroud.

Mr. Golman on motion of Mr. Hawn.

Mr. McKissack on motion of Mr. Hawn.

Mr. Braun on motion of Mr. Nichols.

Mr. Braecklein, temporarily for today, on motion of Mr. Blanton.

Mr. Orr on motion of Mr. Ogg.

Mr. Wyatt on motion of Mr. Doyle.

Mr. Floyd on motion of Mr. Doran.

Mr. John Allen on motion of Mr. Traeger.

Mr. Hendricks on motion of Mr. Beckham.

Mr. Stewart on motion of Mr. Shannon.

Mr. Salter, temporarily for today, on motion of Mr. Tom Moore.

Mr. Semos, temporarily for today, on motion of Mr. Blanton.

Mr. Heatly, Mr. Slack, Mr. Slider, and Mr. Longoria on motion of Mr. Shannon.

The following Member was granted leave of absence for today on account of illness:

Mr. Dramberger on motion of Mr. Walt Parker.

Representatives Nelms, Clark, Wieting, Moreno, Vale, Solomon, Patterson, Slider, Burgess, Kilpatrick, and Schulle entered the House and were announced present.

MESSAGE FROM THE SENATE

Austin, Texas, May 22, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HB 949, by Solomon: Providing for a regular meeting date for the State Board of Education.

HB 211, by Murray: Relating to a pilot program to treat persons with various respiratory diseases at the Harlingen State Tuberculosis Hospital.

HB 227, by Murray: Relating to the exchange and transfer of certain probate matters between the dockets of the County Court of Cameron County and the County Court at Law of Cameron County.

HB 1379, by Atwood and Longoria: Creating the McAllen Foreign Trade Zone Utility District of Hidalgo County.

HB 1672, by Murray: Relating to contracts and leases for the operation of some water systems.

HB 892, by B. Bass: Relating to the salary of the juvenile officer of Van Zandt County.

HB 893, by B. Bass: Creating the Van Zandt County Hospital District; and declaring an emergency. (with amendments)

HB 936, by Williamson: Relating to the naming of roads, bridges, streets and highways in the state highway system by local and county governments.

HB 1606, by Burgess: Relating to credit for average daily attendance of students at certain countywide schools in certain counties.

HB 534, by Lombardino: Relating to providing punishment for threatening a witness in a criminal proceeding.

HB 1413, by Clayton: Providing that county and district clerks may destroy records by shredding or burning.

HB 459, by Joe Allen: Creating a conservation district known as Spanish Cove Public Utility District.

HB 460, by Joe Allen: Creating a conservation district known as the Luce Bayou Public Utility District.

HB 1110, by Joe Allen: Creating a conservation district known as Enchanted Place Public Utility District.

HB 1685, by Williams: Creating a conservation district known as Beaumont Place Utility District of Harris County.

HB 1267, by Floyd: Enabling a Board of Directors to transfer lands transferred to the District upon its creation.

HB 1784, by Nabers: Changing the name of the Texas Fine Arts Commission to the Texas Commission on the Arts and Humanities.

HB 576, by Daniel: Creating a conservation district known as Holiday Hills Public Utility District.

HB 1718, by Lovell: Creating the Grapeland Hospital District of Houston County.

HB 1807, by Lovell: Relating to hunting spike deer and use of dogs to hunt deer in Houston County.

HB 1808, by Lovell: Relating to the sale of fish in certain parts of Houston County.

HB 1827, by Jungmichel: Relating to the salary of the official shorthand reporter for the 155th Judicial District.

HB 1839, by Lovell: Permitting a local election in Trinity County to determine whether or not livestock may be permitted to run at large.

HB 1855, by Lovell: Relating to the creation of the Groveton Hospital District of Trinity County.

HB 1081, by Wyatt: Relating to an increased maintenance tax in certain school districts.

HB 1161, by Schulle: Relating to the sale of fish in Gonzales County.

HB 1721, by Wieting: Providing certain powers to the Aransas County Conservation and Reclamation District.

HB 1195, by Calhoun: Relating to the salaries of the shorthand reporters for the 42nd and 104th Judicial Districts.

HB 878, by Caldwell: Relating to the salary of the shorthand reporter of the 149th Judicial District.

HB 463, by Christian: Relating to the salaries for county employees in Randall County.

HB 1615, by Cobb: Relating to additional tax for common school districts in Moore County.

HB 1677, by Cates: Creating the Hansford County Hospital District.

HB 1015, by Baker: Authorizing the Commissioner of the Texas Land Office to negotiate a conveyance of certain land in the Big Bend National Park to the U.S. Government.

HB 1528, by Pickens: Authorizing the construction of civic facilities on land owned by the University of Texas of the Permian Basin.

HB 1107, by Joe Allen: Providing that land may be added to the Harris County Utility District No. 1.

HB 1619, by Williams: Creating the conservation district known as the Cypresswood Utility District of Harris County.

HB 1639, by Williams: Creating the conservation district known as the Mossy Oaks Utility District of Harris County.

HB 1845, by Ogg: Creating a conservation district known as the Emerald Forest Utility District of Harris County.

HB 1676, by Salter: Authorizing the raising of taxes for a common school district in McLennan County. (with amendments)

HB 1787, by B. Baas: Creating the Henderson County Hospital District; and declaring an emergency. (with amendments)

HB 1384, by Ogg: Creating a conservation district known as the Harris County Utility District No. 14.

HB 16, by Kaster: Relating to the sale of burial plots.

HB 1811, by Von Dohlen: Making the General Ignacio Zaragoza Historical Site a part of Goliad State Park.

HB 1812, by Von Dohlen: Authorizing the County of Goliad to convey title to certain lands to Parks and Wildlife Department for inclusion as a part of Goliad Park.

HB 1460, by Finnell: Creating the hospital district of Nocona and Prairie Valley Independent School Districts of Montague County.

HB 78, by Cole: Relating to making it a misdemeanor to willfully and maliciously change public documents in a political campaign.

HB 439, by Cole: Creating a County Court at Law of Hunt County.

HB 1850, by W. Parker: Relating to compensation of certain county and district officials in certain counties.

HB 136, by C. Parker, et al: Providing for concurrent jurisdiction in District and County Courts at Law in Jefferson County in amounts up to \$10,000.

HB 1202, by Braecklein: Relating to the release of a defendant on personal bond.

HB 263, by Wayne: Providing for filing and execution of certain notices and certificates concerning liens upon real and personal property for taxes payable to U.S.

HB 466, by Finney: Creating the Texas Commission on Services to Children and Youth.

HB 514, by D. Jones: Relating to regulations governing the absence of faculty members of state-supported colleges and universities.

HB 1039, by D. Jones: Creating the office of Criminal District Attorney for Lubbock County.

HB 1456, by D. Jones: Authorizing the Chairman of the Board of Regents of Texas Tech University to grant a right-of-way easement to the Pioneer Natural Gas Company.

HB 1627, by Slack: Relating to incorporated cities with a certain population to validate certain unenforceable tax levies.

HB 1678, by Short: Relating to abolishing the office of county school superintendent in certain counties.

HB 1688, by Short: Relating to the salary of the juvenile officer of Dawson County.

HB 1715, by Garcia: Relating to the salary of certain officials in certain counties.

HB 1381, by Ogg: Creating the conservation and reclamation district known as the Harris County Utility District No. 11.

HB 1382, by Ogg: Creating the conservation district known as the Harris County Utility District No. 12.

HB 1383, by Ogg: Creating the conservation district known as the Harris County Utility District No. 13.

HB 602, by Tarbox: Relating to the creation of the Texas Board of Athletic Trainers to license athletic trainers; and declaring an emergency.

HB 1766, by Slider: Relating to size and bag limits for certain fish taken from the waters of Caddo Lake in Marion County; and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 216, SB 902, and SB 984 by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 87 and SB 252 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 841, by Bernal: Creating a Criminal Justice Planning Fund; and declaring an emergency.

HB 1622, by Williams, et al: Relating to the compensation of certain county officials in certain counties; and declaring an emergency. (with amendments)

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representative Semos entered the House and was announced present.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 559 to the Committee on Public Health.

SB 1027 to the Committee on Conservation and Reclamation.

SB 1028 to the Committee on Appropriations.

HB 138 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 138, Providing for licensing of persons manufacturing or repairing watches.

The bill was read third time and was passed.

Mr. Jim Nugent moved to reconsider the vote by which HB 138 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Coats, Calhoun, Lemmon, Kaster, Blythe, Kubiak, and Von Dohlen requested to be recorded as voting Nay on the passage of HB 138.

Representatives Wayne and Simmons entered the House and were announced present.

HB 685 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 685, Expanding workmen's compensation premium tax on self-insurers.

The bill was read third time and was passed by the following vote:

Yeas—108

Adams	Carrillo	Farenthold	Holmes, T.
Agnich	Cates	Finck	Howard
Allen, Joe	Cavness	Finnell	Hubenak
Allred	Christian	Finney	Hull
Angly	Clark	Foreman	Johnson
Baker	Clayton	Gammage	Jones, D.
Bass, B.	Coats	Garcia	Jones, G.
Bass, T.	Cobb	Grant	Kaster
Beckham	Craddick	Hanna, Joe	Kost
Bigham	Cruz	Hannah, John	Kubiak
Blanton	Daniel	Harding	Lee
Blythe	Davis, D.	Harris	Lemmon
Bowers	Davis, H.	Hawkins	Lewis
Boyle	Denton	Hawn	Ligarde
Burgess	Doran	Haynes	Lombardino
Bynum	Doyle	Head	McAlister
Calhoun	Earthman	Hilliard	Mengden

Moncrief	Ogg	Schulle	Swanson
Moore, A.	Parker, C.	Semos	Tarbox
Moore, T.	Patterson	Shannon	Traeger
Moreno	Pickens	Sherman	Truan
Murray	Poff	Short	Tupper
Nabers	Presnal	Silber	Vale
Nelms	Price	Simmons	Wayne
Nichols	Reed	Solomon	Wieting
Niland	Rosson	Spurlock	Williams
Nugent, J.	Sanchez	Stroud	Williamson

Nays—5

Jungmichel	Poerner	Uher	Von Dohlen
Newton			

Absent

Atwell	Hale	Parker, W.	Wolff
Atwood	Jones, E.	Rodriguez	
Caldwell	Kilpatrick	Salem	
Cole	Lovell	Santiesteban	
Graves	Neugent, D.	Smith	

Absent-Excused

Allen, John	Golman	Longoria	Slack
Braecklein	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Dramberger	Holmes, Z.	Orr	Ward
Floyd	Ingram	Salter	Wyatt

Mr. Cobb moved to reconsider the vote by which HB 685 was passed and to table the motion to reconsider.

The motion to table prevailed.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for the remainder of today on account of important business:

Mr. Dean Neugent on motion of Mr. Howard.

Mr. Wolff on motion of Mr. Tom Bass.

Mr. Caldwell on motion of Mr. Cobb.

Mr. Salem on motion of Mr. Hale.

Representative Salter entered the House and was announced present.

HB 1412 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,
HB 1412, Amending the Water Code.

The bill was read third time and was passed by the following vote:

Yeas—93

Agnich	Finck	Lombardino	Semos
Atwell	Finnell	Lovell	Shannon
Baker	Finney	McAlister	Sherman
Beckham	Foreman	Mengden	Short
Blanton	Garcia	Moncrief	Silber
Blythe	Hale	Moore, A.	Simmons
Bowers	Hanna, Joe	Moreno	Solomon
Boyle	Harding	Murray	Spurlock
Bynum	Hawkins	Nelms	Stroud
Calhoun	Hawn	Newton	Swanson
Carrillo	Haynes	Niland	Tarbox
Cates	Hilliard	Nugent, J.	Traeger
Cavness	Holmes, T.	Ogg	Truan
Christian	Howard	Parker, C.	Tupper
Clayton	Hubenak	Parker, W.	Uher
Coats	Hull	Pickens	Vale
Cobb	Jones, D.	Poerner	Von Dohlen
Craddick	Jones, G.	Poff	Wayne
Cruz	Jungmichel	Presnal	Wieting
Davis, D.	Kaster	Price	Williams
Davis, H.	Kost	Rosson	Williamson
Doran	Lemmon	Salter	
Doyle	Lewis	Sanchez	
Earthman	Ligarde	Schulle	

Nays—20

Adams	Clark	Hannah, John	Moore, T.
Allen, Joe	Denton	Harris	Nabers
Allred	Farenthold	Head	Nichols
Bass, T.	Gammage	Kubiak	Patterson
Burgess	Grant	Lee	Reed

Absent

Angly	Cole	Jones, E.	Smith
Atwood	Daniel	Kilpatrick	
Bass, B.	Graves	Rodriguez	
Bigham	Johnson	Santiesteban	

Absent-Excused

Allen, John	Golman	McKissack	Slider
Braecklein	Heatly	Moore, G.	Stewart
Braun	Hendricks	Neugent, D.	Wolff
Caldwell	Holmes, Z.	Orr	Ward
Dramberger	Ingram	Salem	Wyatt
Floyd	Longoria	Slack	

HB 1325 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 1325, A bill to be entitled An Act permitting a peace officer to take bail in misdemeanor cases; amending Article 17.05 and 17.20, Code of Criminal Procedure, 1965; and declaring an emergency.

The bill was read third time.

Mr. Jim Nugent moved that consideration of HB 1325 be postponed until 11:00 a.m. May 24.

The motion prevailed without objection.

HSR 561—REFERRED TO COMMITTEE

(Creating an interim committee to study classroom hours taught by full-time professors, etc.)

Mr. Walt Parker offered the following resolution:

HSR 561

Whereas, There is a pressing need to evaluate and assess the minimum teaching loads required of full-time faculty members at state senior colleges and universities, and to determine what standards and requirements would best serve the goals of higher education in Texas; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas hereby create a special interim committee to study problems relating to the minimum required number of classroom hours taught per week by full-time professors and instructors at state senior colleges and universities; the committee shall study and evaluate standards now in effect at state colleges and universities, and those used by colleges and universities in other states; and, be it further

Resolved, That the committee shall be composed of seven members, all to be appointed by the Speaker of the House, including four Members of the House of Representatives, one of whom shall be designated as chairman, and three citizen members; and, be it further

Resolved, That state departments and agencies concerned with educational affairs be requested to give full cooperation to the committee in its study; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to assist the committee in this study; and, be it further

Resolved, That actual expenses of members of the committee, both legislative and citizen members, and other necessary expenses of the committee shall be paid from the Expense Fund of the House of Representatives; that the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior ap-

proval for nonbudgeted expenditures shall be obtained from the House Administration Committee; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations and drafts of any proposed legislation, to the 63rd Legislature at its regular session in January 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

Representative Rodriguez entered the House and was announced present.

HB 1412—VOTE RECONSIDERED

Mr. Clayton moved to reconsider the vote by which HB 1412 was passed today.

The motion prevailed without objection.

HB 1412 ON PASSAGE

HB 1412 was passed by the following vote:

Yeas—110

Adams	Coats	Hilliard	Nelms
Agnich	Cobb	Holmes, T.	Newton
Allen, Joe	Craddick	Howard	Nichols
Allred	Cruz	Hubenak	Niland
Angly	Daniel	Hull	Nugent, J.
Atwell	Davis, H.	Johnson	Ogg
Baker	Davis, D.	Jones, D.	Parker, C.
Bass, B.	Doran	Jones, G.	Parker, W.
Bass, T.	Doyle	Jungmichel	Pickens
Beckham	Earthman	Kaster	Poerner
Bigham	Farenthold	Kost	Poff
Blanton	Finck	Kubiak	Presnal
Blythe	Finnell	Lemmon	Price
Bowers	Foreman	Lewis	Rosson
Boyle	Gammage	Ligarde	Salter
Burgess	Garcia	Lombardino	Sanchez
Bynum	Grant	McAlister	Santiesteban
Calhoun	Hale	Mengden	Schulle
Carrillo	Hanna, Joe	Moncrief	Semos
Cates	Hannah, John	Moore, A.	Shannon
Cavness	Harding	Moore, T.	Sherman
Christian	Harris	Moreno	Short
Clark	Hawkins	Murray	Silber
Clayton	Hawn	Nabers	Simmons

Solomon	Tarbox	Uher	Wieting
Spurlock	Traeger	Vale	Williams
Stroud	Truan	Von Dohlen	
Swanson	Tupper	Wayne	

Nays—9

Denton	Head	Patterson	Rodriguez
Finney	Lee	Reed	Williamson
Haynes			

Absent

Atwood	Graves	Kilpatrick	Smith
Cole	Jones, E.	Lovell	

Absent-Excused

Allen, John	Golman	McKissack	Slider
Braecklein	Heatly	Moore, G.	Stewart
Braun	Hendricks	Neugent, D.	Wolff
Caldwell	Holmes, Z.	Orr	Ward
Dramberger	Ingram	Salem	Wyatt
Floyd	Longoria	Slack	

Mr. Clayton moved to reconsider the vote by which HB 1412 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 1038 ON SECOND READING

Mr. Cruz moved that all necessary rules be suspended to take up and consider at this time, HB 1038.

The motion prevailed without objection.

VOTES RECORDED

Representatives Christian, Mengden, D. Davis, and Clayton requested to be recorded as voting Nay on the motion to suspend all necessary rules to consider HB 1038.

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1038, A bill to be entitled An Act amending Chapter 446, Acts of the 61st Legislature, Regular Session, 1969 (Article 1c, Vernon's Texas Civil Statutes), to provide for a permanent agency to be entitled the Human Relations Commission; and declaring an emergency.

The bill was read second time.

Mr. Cruz offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1038, First Printing, by striking all below the enacting clause and inserting the following:

Section 1. Chapter 446, Acts of the 61st Legislature, Regular Session, 1969 (Article 1c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Definitions. In this Act, unless the context requires a different definition:

"(1) 'Person' means one or more individuals, partnerships, associations, corporations, labor unions, mutual companies, trustees in bankruptcy, legal representatives or employees thereof, or the state, any of its political subdivisions, or any agency of a political subdivision.

"(2) 'Commission' means the Human Relations Commission.

"(3) 'Discrimination' means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or any other differentiation or preference in the treatment of a person or persons on account of race, color, religion, national origin, age, sex, or economic status, or any denial of any right, privilege, or immunity secured or protected by the Constitution or laws of the United States.

"(4) 'Civil rights organization' means an organization which, under its articles of incorporation or association, is organized to deal with inter-group-relations problems.

"(5) 'Party' or 'parties' means the complainant, individual aggrieved, respondent, or any person admitted as a party or properly seeking and entitled as of right to be admitted as a party in a proceeding.

"(6) The statements 'probable cause exists' or 'probable cause does not exist' refer to the presence or absence, respectively, or prima facie evidence that a discriminatory act has been committed.

"(7) 'Employer' means a person employing one or more employees within the state, exclusive of parents, spouse, or children of that person, and including the state, any political subdivision, or official agency of either.

"(8) 'Labor organization' means any organizational person that exists for the purpose, in whole or in part, of representing employees in collective bargaining. Collective bargaining includes any negotiation or dealing with employers concerning grievances, terms or conditions of employment, or other aid or protection for one or more employees.

"(9) 'Employment agency' means any person regularly undertaking, with or without compensation, to procure employment opportunities for individuals or to procure, refer, or place individuals as employees.

"Section 2. Human Relations Commission. (a) There is hereby created an agency of the State of Texas, comprised of nine members, to be known as the Human Relations Commission. To qualify as a member a person must have demonstrated his interest in the promotion and attainment of ideals of dignity and equality of opportunity for all members of society. Members shall be chosen to represent various geographical sections and the various ethnic, racial, and religious groups of the state.

"(b) The number of the commission shall be apportioned so that no more

than one-third of the total number shall represent any one ethnic group and so that each major ethnic group in the state is represented, the apportionment thereof being determined by the latest population census.

"(c) The members of the commission shall be appointed by the governor, with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate three members for terms expiring in 1973, three members for terms expiring in 1975, and three members for terms expiring in 1977.

"(d) Each appointee to the commission shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue a commission to each appointee as evidence of his authority to act as a member of the commission.

"(e) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

"Section 3. Commission Organization and Meetings. (a) The commission shall elect from its members for a term of one year, a chairman, vice-chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

"(b) The commission shall meet at least four times a year. Additional meeting may be held on the call of the chairman or at the written request of any four members of the commission.

"(c) The quorum required for any meeting of the commission is five members. The commission shall keep a record of its proceedings in a book kept for that purpose.

"Section 4. Powers and Duties of the Commission. (a) The commission shall administer and enforce the provisions of this Act and shall recommend programs of action designed and intended to promote and obtain a better understanding and relationship between the various ethnic and racial groups of this state. The commission shall gather and assemble suggestions for and information pertinent to the attainment of this goal from all practicable sources, both public and private, including individuals, groups, organizations, and other governmental agencies.

"(b) The commission may conduct hearings and interviews either through individual members or subcommittees or through members of its staff and may also employ all other available means to gather these materials and enforce the provisions of this Act.

"(c) The commission shall make annual reports of its studies and recommendations to the governor and legislature.

"(d) The commission may employ an executive director and other persons necessary to carry out the provisions of this Act. The executive director shall have such duties and responsibilities as the commission may determine.

"(e) The commission shall adopt an official seal and have suitable office space to administer the provisions of this Act and keep permanent records.

"(f) The commission may authorize all necessary disbursements to carry out the provisions of this Act, including office expenses, and the costs of equipment and other necessary facilities.

"Section 5. Compensation. (a) Members of the commission serve without compensation but are entitled to receive reimbursement for actual travel expenses incurred in performing the duties of their office.

"(b) Compensation of employees of the commission shall be set in the General Appropriations Act.

"Section 6. Cooperation of Agencies. Every state agency, department, and institution and every state, county, and municipal officer is directed to provide such information as may be requested by the commission and to assist the commission in accomplishing its objectives.

"Section 7. Grants of Money. The commission may accept gifts and grants of money from any individual, group, association, corporation, or the federal government. Such funds as are received shall be deposited in the state treasury and are hereby appropriated to be expended in accordance with the specific purpose for which given and under such conditions as may be imposed by the donor or as may be provided by law.

"Section 8. Unlawful Discriminatory Acts in General. It is an unlawful discriminatory act for one or more persons conducting a business; professional activity; employees', business, or professional organization; institution, program, or activity operating under official financial assistance or a license; or governmental activity to utilize a method of doing business or operating that, considered either by itself or in conjunction with similar action of other persons, unfairly or unreasonably restricts the economic, housing, educational, training, associational, public accommodations political, or governmental opportunities of members of any race, color, religion, national origin, age, sex, economic status, or any other group from which it is unreasonable to base such restrictions.

"Section 9. Abuse of Authority by an Official Agency. It is an unlawful discriminatory act for any official agency or law enforcement agency to deny any person equal protection of the laws under the Constitution or laws of the United States on account of race, color, religion, national origin, economic status, age, sex, or other basis that is unreasonable.

"Section 10. Discrimination in Housing Accommodations. It is an unlawful discriminatory practice for the owner, lessee, assignee, or managing agent of a housing accommodation, constructed or to be constructed, to refuse to sell or otherwise to deny to any person or group of persons such a housing accommodation because of race, color, religion, or national origin; or to discriminate in the terms or privileges of the sale or in the furnishing of services in connection therewith; or to print or circulate any statement, advertisement, publication, form of application, record, or inquiry which expresses any limitation or discrimination as to race, color, religion, or national origin.

"Section 11. Discrimination in Public Accommodations. (a) It is an unlawful discriminatory act for any person, being the owner, proprietor, or

lessee of any place of public accommodations, to refuse, withhold from, or deny to any individual any of the accommodations, advantages, facilities, benefits, privileges, services, or goods of that place on account of race, color, religion, national origin, age or sex.

“(b) It is an unlawful discriminatory act for any person, being the owner, proprietor, or lessee of any place of public accommodations, to circulate, issue, display, post, mail, or otherwise to publish a statement, advertisement, or sign that indicates that any individual on account of race, color, religion, national origin, age, or sex, or that the patronage of, or presence at that place of, any individual is objectionable, unwelcome, unacceptable, undesirable, or unsolicited on account of race, color, religion, ancestry, national origin, age, or sex.

“(c) It is an unlawful discriminatory act for any person, being the owner, proprietor, or lessee of any place of public accommodations, to make any written or oral inquiry concerning, or keep any record of, the race, color, religion, age, or sex of any individual in connection with the solicitation, reservation, booking, sale, or dispensing of any of the accommodations, advantages, facilities, benefits, privileges, services, or goods of that place.

“Section 12. Discrimination in Educational Institutions. (a) It is an unlawful discriminatory act for any person, being the owner, proprietor, or lessee of any educational institution,

“(1) to refuse to admit or otherwise to discriminate against any individual with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges, or services of that institution on account of race, color, religion, or national origin;

“(2) to publish, circulate, or display, or cause to be published, circulated, or displayed, any written, printed, oral, or visual communication, advertisement, catalogue, or any other form of publicity relating to admission, that expresses or indicates any preference, limitation, specification, or discrimination on account of the race, color, religion, or national origin of any applicant for admission;

“(3) to establish, announce, or follow a policy of denial or limitation through a quota system or otherwise of educational opportunities of the members of any group on account of race, color, religion, or national origin; or

“(4) to use in the recruitment of potential applicants for admission any service or agency known by the person to discriminate against individuals on account of race, color, religion, or national origin.

“(b) As used in this section, ‘person’ does not include the United States, a state, or any political subdivision of the latter, or any official agency of the foregoing.

“Section 13. Discriminatory Acts by an Employer. It is a discriminatory act for any employer to refuse to hire or otherwise to discriminate against any individual with regard to hire, tenure, promotions, terms, conditions, or privileges of employment or any matter related to employment, on account of the race, color, religion, national origin, sex, or age of the individual.

"Section 14. Discriminatory Acts by an Employment Agency. It is a discriminatory act for any employment agency to fail or to refuse to classify properly, procure, recruit, refer, or place for employment, or otherwise to discriminate against any individual on account of the race, color, religion, national origin, sex, or age of the individual.

"Section 15. Discriminatory Acts by a Labor Organization. It is a discriminatory act for a labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way that would tend to deprive the individual of employment opportunities, limit his employment opportunities or otherwise affect adversely his status as an employee or as an applicant for employment, or that would affect adversely his wages, hours, or conditions of employment, on account of the race, color, religion, national origin, sex, or age of the individual.

"Section 16. Discriminatory Acts Concerning Quotas, Information, and Publicity on Employment. It is a discriminatory act for any employer, employment agency or labor organization, prior to employment, admission to membership, or admission to participation in any occupational training or retraining program:

"(1) to establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, the employment, membership, or participation opportunities of any individual or group on account of race, color, religion, national origin, age, or sex;

"(2) to make any inquiry, cause inquiry to be made concerning, or make any record of the race, color, religion, national origin, age, or sex of any applicant of employment, membership, or participation;

"(3) to use, or cause to be used, any form of application for employment, membership, or participation containing questions or entries regarding race, color, religion, or national origin;

"(4) to cause to be published, circulated, or displayed any notice or advertisement relating to employment, membership, or participation indicating any preference, limitation, specification or discrimination based upon race, color, religion, national origin, age, or sex;

"(5) to utilize or cause to be utilized, in the recruitment, or hiring of individuals, any employment agency or labor organization known by the person utilizing them to discriminate against individuals on account of race, color, religion, national origin, age, or sex; or

"(6) to penalize or discriminate in any manner against any individual because he has opposed any discriminatory act or because he has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing, concerning such act.

"Section 17. Advertisements by Individuals Seeking Employment. It is a discriminatory act for any individual seeking employment to publish, or cause to be published, any advertisement that specifies or indicates his race, color, religion, or national origin or expresses or indicates a limitation or preference concerning the race, color, religion, or national origin of any prospective employer.

"Section 18. Exemptions. (a) It is not a discriminatory act for a re-

ligious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised, or controlled by or in connection with a religious or denominational institution or organization, to limit, or give a preference that is reasonably calculated to promote the religious principles for which it is established or maintained to persons of the same religion or denomination.

"(b) It is not a discriminatory act for an employer to hire, a labor union to classify its membership or refer an individual for employment, or an employer, employment agency, or labor organization to request information, or an individual seeking employment to publish an advertisement that expresses a personal quality or preference on the basis of what would otherwise be prohibited under this Act when this basis is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

"(c) It is not a discriminatory act for an employer, employment agency, or labor organization to select a person to be a participant in any occupational training or retraining program on the basis of the ability to complete the required training and the industry average period for employment thereafter before attaining the age of 65 years of age.

"(d) It is not a discriminatory act for an employer to terminate employment or otherwise deal with an individual under the terms of any bona fide retirement or pension plan or under the terms of any bona fide group or employee insurance plan.

"(e) It is not a discriminatory act for a person subject to Section 6 to adopt and carry out a plan to eliminate or reduce imbalance with respect to race, color, religion, national origin, age, or sex if the plan has been filed with the commission and the plan has not been disapproved.

"Section 19. Filing a Charge. (a) Any individual aggrieved by an alleged discriminatory act or his agent may file a charge complaining of that act with the commission.

"(b) A commissioner, the attorney general, or any civil rights organization having reason to believe that a discriminatory act has been committed may file a charge complaining of that act with the commission.

"(c) If the investigating commissioner finds that probable cause exists for believing the allegations of a charge complaining of a discriminatory act, the chairman shall commence action designed to attain a conciliation agreement between the parties.

"(d) If the investigating commissioner finds that probable cause does not exist for believing the allegations in the charge, he shall give written notice to the parties.

"(1) of his finding and the reasons for it; and

"(2) that the charge will be dismissed on the 10th day

"(e) At any time after the filing of a charge or a complaint involving an unlawful discriminatory act the respondent may request a reasonable time within which to permit negotiation of a conciliation agreement containing a consent cease and desist order disposing of the whole or any

part of the proceeding. The allowance of negotiation, and its duration, subject to a consent cease and desist order, shall be at the discretion of the chairman of the official or officials in charge of the case at the time the request is made.

"Section 20. Filing of Complaint Upon Failure of Conciliation: Right to Hearing. If the investigating commissioner fails to obtain a satisfactory adjustment of a charge concerning a discriminatory act on or before the 30th day after his finding that probable cause exists for believing its allegations, he may, and upon request of the complainant or individual aggrieved in the case of a charge of a discriminatory act, he shall cause to be issued and served upon the respondent a formal complaint and a notice of hearing, in the name of the commission, concerning that act. He shall also send copies of the complaint to all parties.

"Section 21. Designation of Hearing Panel, Presiding Officer, and Person to Present Complainant's Case. (a) The chairman shall appoint one or more commissioners or staff members as a hearing panel to conduct the hearing of a formal complaint. The commission also may, at its election, conduct the hearing en banc.

"(b) The commission is not bound by the strict rules of evidence prevailing in courts of law or equity. Any evidence may be received, but the commission, as a matter of policy, shall exclude irrelevant, immaterial, and unduly repetitious evidence.

"(c) Any party and, at the discretion of the commission, any person may present oral and documentary evidence, submit rebuttal evidence, and conduct whatever examination or cross-examination may be required for a full and true discourse of the facts.

"(d) All testimony is to be given under oath.

"(e) The commission may subpoena witnesses, compel their attendance, administer oaths, take testimony under oath, and receive or require the production of documentary evidence relating to the matter in question.

"(f) The commission, on request, shall issue subpoenas on behalf of any party if he shows the general relevance and reasonable scope of the evidence sought.

"(g) The hearing shall be open to the public if requested by the person alleged to have committed the discriminatory act.

"Section 22. Report on a Finding of a Violation. If the commission in its final decision determines that a discriminatory act has occurred, it shall issue a full report of all proceedings, papers, and findings in the matter. Any party to the investigation or complaint may submit a statement to the commission which shall be included in the final report of the commission.

"Section 23. Report on a Finding of No Violation. If the commission in its final decision determines that no discriminatory act has occurred, it may issue a full report of all proceedings, papers, and findings in the matter upon the request of any party to the investigation.

"Section 24. Judicial Review; Enforcement. Any party to the proceeding

and any person aggrieved by an order of the commission may obtain judicial review of the order and the commission may obtain an order of court for its enforcement.

"Section 25. Jurisdiction for Issuance of Compliance Orders; Petition for Order to Modify or Set Aside Demand or Specification of Grounds. (a) If a person fails to permit, upon a demand by the commission, access to premises and examination, photographing, or copying of evidence, or fails to make, keep, or preserve records or make reports, or if a person fails to comply with a subpoena issued by the commission or a commissioner, the district court of the county in which such person is found, resides, or transacts business, shall, upon application of the commission, have jurisdiction to issue to such person an order requiring him to comply with the order.

"(b) In any proceeding brought by the commission under Subsection (a) of this section, the defendant may petition the court for an order modifying or setting aside the demand or subpoena of the commission.

"Section 26. Wilful Violation of Commission Order; Wilful Interference. Any person who wilfully violates any order of the commission or this Act or who wilfully resists, prevents, impedes, or interferes with the performance of a duty or the exercise of a power by the commission or one of its commissioners or representatives, is guilty of a misdemeanor and shall be fined not more than \$500 or confined in the county jail for not more than one year, or both."

Sec. 2. This Act is effective September 1, 1971.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after September 1, 1971, and it is so enacted.

Mr. Williamson moved that consideration of HB 1038 be postponed until 11:00 a.m., Tuesday, May 25.

Mr. Cruz moved to table the motion to postpone.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—75

Adams	Calhoun	Farenthold	Harris
Allen, Joe	Carrillo	Finck	Hawn
Allred	Cavness	Finnell	Haynes
Bass, B.	Clark	Finney	Head
Bass, T.	Coats	Foreman	Howard
Beckham	Cobb	Gammage	Hubenak
Bigham	Cruz	Garcia	Hull
Blanton	Daniel	Grant	Johnson
Boyle	Denton	Hale	Kaster
Bynum	Doyle	Hannah, John	Kost

Kubiak	Nabers	Reed	Stroud
Lemmon	Nelms	Rodriguez	Swanson
Lewis	Nichols	Sanchez	Traeger
Ligarde	Niland	Santiesteban	Truan
Moncrief	Nugent, J.	Semos	Vale
Moore, A.	Ogg	Shannon	Wayne
Moore, T.	Parker, C.	Silber	Wieting
Moreno	Presnal	Simmons	Williams
Murray	Price	Solomon	

Nays—42

Agnich	Doran	Lee	Schulle
Baker	Earthman	Lombardino	Sherman
Blythe	Hanna, Joe	McAlister	Short
Bowers	Harding	Mengden	Spurlock
Burgess	Hawkins	Newton	Tarbox
Cates	Hilliard	Patterson	Tupper
Christian	Holmes, T.	Pickens	Uher
Clayton	Jones, D.	Poerner	Von Dohlen
Craddick	Jones, E.	Poff	Williamson
Davis, D.	Jones, G.	Rosson	
Davis, H.	Jungmichel	Salter	

Absent

Angly	Cole	Lovell	Smith
Atwell	Graves	Parker, W.	
Atwood	Kilpatrick		

Absent-Excused

Allen, John	Golman	McKissack	Slider
Braecklein	Heatly	Moore, G.	Stewart
Braun	Hendricks	Neugent, D.	Ward
Caldwell	Holmes, Z.	Orr	Wolff
Dramberger	Ingram	Salem	Wyatt
Floyd	Longoria	Slack	

Mr. Bynum offered the following amendment to Committee Amendment No. 1:

Amend the committee amendment to HB 1038 by adding a new section to be numbered appropriately as follows:

The Commission on Human Relations shall be automatically dissolved exactly five years after the effective date of this Act. This Commission shall

also be automatically dissolved in the event it employs more than five persons.

Mr. Cruz moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—72

Allen, Joe	Finck	Kost	Price
Allred	Finnell	Kubiak	Rodriguez
Atwell	Finney	Lemmon	Sanchez
Bass, B.	Foreman	Lewis	Santiesteban
Bass, T.	Gammage	Ligarde	Semos
Beckham	Garcia	Lombardino	Shannon
Bigham	Grant	McAlister	Sherman
Blanton	Hale	Moore, A.	Silber
Boyle	Hannah, John	Moore, T.	Simmons
Calhoun	Harris	Moreno	Solomon
Clark	Hawkins	Murray	Stroud
Coats	Hawn	Nelms	Swanson
Cobb	Haynes	Nichols	Traeger
Cruz	Head	Ogg	Truan
Daniel	Howard	Parker, C.	Vale
Davis, H.	Hubenak	Parker, W.	Wayne
Denton	Hull	Patterson	Wieting
Farenthold	Kaster	Presnal	Williams

Nays—40

Adams	Craddick	Lee	Rosson
Agnich	Davis, D.	Mengden	Salter
Baker	Doyle	Moncrief	Schulle
Blythe	Earthman	Nabers	Short
Bowers	Hanna, Joe	Newton	Spurlock
Burgess	Harding	Niland	Tarbox
Bynum	Hilliard	Nugent, J.	Tupper
Cates	Holmes, T.	Pickens	Uher
Christian	Jones, G.	Poerner	Von Dohlen
Clayton	Jungmichel	Poff	Williamson

Absent

Angly	Cole	Jones, D.	Reed
Atwood	Doran	Jones, E.	Smith
Carrillo	Graves	Kilpatrick	
Cavness	Johnson	Lovell	

Absent-Excused

Allen, John	Golman	McKissack	Slider
Braecklein	Heatly	Moore, G.	Stewart
Braun	Hendricks	Neugent, D.	Ward
Caldwell	Holmes, Z.	Orr	Wolff
Dramberger	Ingram	Salem	Wyatt
Floyd	Longoria	Slack	

COMMITTEE MEETINGS

Mr. Carl Parker asked unanimous consent of the House that the Committee on Judicial Districts be permitted to meet at this time.

There was no objection offered.

Mr. Joe Allen asked unanimous consent of the House that the Committee on Conservation and Reclamation be permitted to meet at this time.

There was no objection offered.

HB 1038—(Consideration continued)

Mr. Jim Nugent offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1038 by adding a new section appropriately numbered:

() any order or act or finding of the commission may be appealed to the appropriate court by either party and such court shall bear all evidence and facts involved in the findings of the commission and any other pertinent facts and render final judgment as in other cases.

The amendment was adopted without objection.

Mr. Jim Nugent offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 by striking Section 26 on page 9.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.

Mr. Cruz offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 1038, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act amending Chapter 446, Acts of the 61st Legislature, Regular Session, 1969 (Article 1c, Vernon's Texas Civil Statutes), to provide for a permanent agency to be entitled the Human Relations Commission; relating to regulation of certain discriminatory acts; and declaring an emergency.

The committee amendment was adopted without objection.

HB 1038, as amended, was passed to engrossment by the following vote:

Yeas—82

Adams

Allen, Joe

Allred

Atwell

Baker	Finney	Lewis	Sanchez
Bass, B.	Foreman	Ligarde	Santiesteban
Bass, T.	Gammage	Lombardino	Semos
Beckham	Garcia	McAlister	Shannon
Blanton	Grant	Moncrief	Sherman
Boyle	Hale	Moore, A.	Silber
Burgess	Hannah, John	Moore, T.	Simmons
Bynum	Harris	Moreno	Solomon
Cavness	Hawkins	Murray	Stroud
Clark	Hawn	Nelms	Swanson
Coats	Haynes	Nichols	Traeger
Cobb	Head	Niland	Truan
Craddick	Hilliard	Ogg	Tupper
Cruz	Howard	Parker, C.	Uher
Daniel	Hubenak	Parker, W.	Vale
Davis, H.	Hull	Patterson	Wayne
Denton	Kaster	Presnal	Wieting
Farenthold	Kost	Price	Williams
Finck	Kubiak	Reed	
Finnell	Lemmon	Rodriguez	

Nays—30

Agnich	Doyle	Mengden	Schulle
Bigham	Earthman	Nabers	Short
Blythe	Hanna, Joe	Newton	Spurlock
Bowers	Harding	Nugent, J.	Tarbox
Calhoun	Holmes, T.	Pickens	Von Dohlen
Christian	Jones, G.	Poerner	Williamson
Clayton	Jungmichel	Rosson	
Davis, D.	Lee	Salter	

Absent

Angly	Cole	Jones, D.	Poff
Atwood	Doran	Jones, E.	Smith
Carrillo	Graves	Kilpatrick	
Cates	Johnson	Lovell	

Absent-Excused

Allen, John	Golman	McKissack	Slider
Braecklein	Heatly	Moore, G.	Stewart
Braun	Hendricks	Neugent, D.	Ward
Caldwell	Holmes, Z.	Orr	Wolff
Dramberger	Ingram	Salem	Wyatt
Floyd	Longoria	Slack	

Mr. Cruz moved to reconsider the vote by which HB 1038 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 22, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 745, by Brooks: Establishing standards for officials of certain insurers and for such insurers.

SB 746, by Brooks: Authorizing the commissioners to immediately seize the assets of an insurer by court order.

SB 696, by Christie: Relating to prosecution of persons entering the state to avoid prosecution in another state or county.

SB 300, by Hightower: Creating the North Central Texas School for the Deaf and the Southeast Texas School for the Deaf.

SB 530, by Hightower: Providing for the supplementary compensation of presiding judges of administrative judicial districts.

SB 872, by Hightower: Relating to the salaries that domestic life insurance companies shall pay to certain of its officers.

SB 571, by Kennard: Relating to damages on dismissal of condemnation cases and reimbursement of landowner's moving expenses.

SB 391, by Mauzy: Relating to the certification of certain automobile bumper standards for automobiles purchased by the state.

SB 480, by Mauzy: Creating the Texas Industrial Training Council.

SB 692, by Mauzy: Creating the 199th and 200th Judicial District of Dallas County.

SB 1025, by Wilson: Relating to allowing hunting with dogs in San Augustine County; extending open season for the taking of deer in San Augustine County.

SB 1026, by Wilson: Relating to changing the open season for the taking of squirrel in San Augustine and Shelby Counties.

SB 385, by Jordan: Creating the Texas Housing Finance Corporation; and declaring an emergency.

SCR 108, by Herring: Granting Bettye Baldwin permission to sue the State of Texas.

SCR 109, by Herring: Granting Howard C. Anderson permission to sue the State of Texas.

SCR 110, by Herring: Granting Ivan Stout permission to sue the State of Texas.

SB 752, by Mauzy: Prohibiting any municipality from requiring notice of less than six months for a claim against such municipality; and declaring an emergency.

SB 845, by Bernal: Relating to the renewal of loan contracts and to communications between loan licensees and borrowers and to the taking of a

security interest in personal property by loan licensees; and declaring an emergency.

SB 1021, by Moore: Relating to use of certain state-owned museum buildings located on certain college or university campuses, etc.; and declaring an emergency.

SCR 104, by Herring: Granting George Scheafer permission to sue the State of Texas.

SCR 105, by Herring: Granting Gordon Carlson permission to sue the State of Texas.

SCR 106, by Herring: Granting William J. Moltz, Jr., permission to sue the State of Texas.

SCR 107, by Herring: Granting Fred E. Geiger permission to sue the State of Texas.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 442—MOTION TO ADOPT CONFERENCE COMMITTEE
REPORT

Mr. Atwell moved to adopt the Conference Committee Report on SB 442.

Mr. Lewis moved, as a substitute motion, that the House do not adopt the Conference Committee Report and that a new conference committee be appointed.

Mr. Atwell moved to table the substitute motion.

A record vote was requested.

The vote of the House was taken on the motion to table the substitute motion and the vote was announced Yeas 43, Nays 41 and 29 Present-Not Voting.

A verification of the vote was requested and was granted.

(Mr. Jungmichel in the Chair)

The roll of those voting Yea and Nay was again called and the verified vote resulted as follows:

Yeas—43

Atwell	Hawn	Nelms	Simmons
Blanton	Hilliard	Newton	Solomon
Boyle	Holmes, T.	Niland	Stroud
Calhoun	Howard	Ogg	Swanson
Cavness	Hubenak	Parker, C.	Tarbox
Coats	Hull	Presnal	Vale
Cobb	Kost	Reed	Wayne
Craddick	Lemmon	Schulle	Wieting
Cruz	Ligarde	Semos	Williams
Davis, D.	McAlister	Shannon	Williamson
Hanna, Joe	Moore, A.	Silber	

Nays—40

Agnich	Clayton	Kaster	Poerner
Allen, Joe	Doran	Kubiak	Poff
Allred	Earthman	Lee	Rodriguez
Bass, B.	Finnell	Lewis	Rosson
Beckham	Finney	Mengden	Salter
Blythe	Gammage	Moncrief	Sanchez
Bowers	Hale	Moore, T.	Sherman
Bynum	Harding	Murray	Short
Cates	Harris	Nabers	Truan
Christian	Jungmichel	Nugent, J.	Tupper

Present—Not Voting

Adams	Denton	Hawkins	Parker, W.
Baker	Doyle	Haynes	Price
Bass, T.	Farenthold	Head	Santiesteban
Burgess	Foreman	Jones, G.	Spurlock
Clark	Garcia	Lombardino	Traeger
Daniel	Grant	Moreno	Uher
Davis, H.	Hannah, John	Nichols	Von Dohlen

Absent

Angly	Cole	Jones, D.	Patterson
Atwood	Finck	Jones, E.	Pickens
Bigham	Graves	Kilpatrick	Smith
Carrillo	Johnson	Lovell	

Absent-Excused

Allen, John	Golman	McKissack	Slider
Braecklein	Heatly	Moore, G.	Stewart
Braun	Hendricks	Neugent, D.	Ward
Caldwell	Holmes, Z.	Orr	Wolff
Dramberger	Ingram	Salem	Wyatt
Floyd	Longoria	Slack	

The Chair stated that the motion to table prevailed by the above vote.

(Speaker in the Chair)

A record vote was requested on the motion to adopt the Conference Committee Report on SB 442.

The motion was lost by the following vote:

Yeas—38

Atwell	Davis, D.	Hull	Nelms
Blanton	Doyle	Johnson	Newton
Boyle	Hawn	Jones, D.	Nugent, J.
Clark	Haynes	Kost	Ogg
Coats	Holmes, T.	Lemmon	Parker, C.
Craddick	Howard	McAlister	Presnal
Cruz	Hubenak	Moore, A.	Reed

Schulle	Silber	Tarbox	Williams
Semos	Solomon	Wayne	
Shannon	Stroud	Wieting	

Nays—49

Agnich	Earthman	Kubiak	Rodriguez
Allen, Joe	Farenthold	Lee	Rosson
Bass, T.	Finnell	Lewis	Sanchez
Beckham	Finney	Mengden	Santiesteban
Bigham	Gammage	Moncrief	Sherman
Blythe	Hale	Moore, T.	Short
Bowers	Hannah, John	Moreno	Swanson
Bynum	Harding	Murray	Truan
Christian	Harris	Nabers	Tupper
Clayton	Hawkins	Nichols	Vale
Daniel	Hilliard	Niland	
Denton	Jungmichel	Poerner	
Doran	Kaster	Poff	

Present—Not Voting

Adams	Cobb	Jones, G.	Spurlock
Allred	Davis, H.	Ligarde	Traeger
Baker	Foreman	Lombardino	Uher
Burgess	Garcia	Parker, W.	Von Dohlen
Calhoun	Grant	Patterson	
Cates	Hanna, Joe	Price	
Cavness	Head	Salter	

Absent

Angly	Cole	Kilpatrick	Smith
Atwood	Finck	Lovell	Williamson
Bass, B.	Graves	Pickens	
Carrillo	Jones, E.	Simmons	

Absent-Excused

Allen, John	Golman	McKissack	Slider
Braecklein	Heatly	Moore, G.	Stewart
Braun	Hendricks	Neugent, D.	Ward
Caldwell	Holmes, Z.	Orr	Wolff
Dramberger	Ingram	Salem	Wyatt
Floyd	Longoria	Slack	

HB 1657 WITH SENATE AMENDMENTS

Mr. Hale called up with Senate Amendments for consideration at this time,

HB 1657, Relating to a nonsubstantive revision of the higher education laws of this state.

On motion of Mr. Hale, the House concurred in the Senate Amendments to HB 1657.

Mr. Hale moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 1657 and to table the motion to reconsider.

The motion to table prevailed.

HB 1657—TEXT OF SENATE AMENDMENTS

Amend HB 1657 as follows:

(1) Amend Section 112.01 to read as follows:

Sec. 112.01. Pan American University. Pan American University is a coeducational institution of higher education located in the city of Edinburg. (V.A.C.S. Art. 2619a, Sec. 1; Art. 2619b, Sec. 1.)

(2) In Subchapters B and C of Chapter 112, substitute "university" for "college" wherever it appears.

(3) Amend Section 108.01 to read as follows:

Sec. 108.01. Lamar University. Lamar University is a coeducational institution of higher education located in the city of Beaumont. (V.A.C.S. Art. 2637a, Sec. 1, 1a.)

(4) Add a Section 108.15 to read as follows:

Sec. 108.15. Seal. The board may adopt an official seal. (V.A.C.S. Art. 2637a, Sec. 1b.)

(5) In Subchapters B and C of Chapter 108, substitute "university" for "college" wherever it appears.

(6) In Subdivision (3) of Section 61.003, substitute "Lamar University" for "Lamar State College of Technology" and "Pan American University" for "Pan American College".

(7) Change the chapter table of contents, headings, repealer section, and cross-reference table as appropriate to reflect these amendments.

Amend HB 1657 as follows:

(1) Add a Section 65.39 to read as follows:

Sec. 65.39. Management of Lands Other Than Permanent University Fund Lands. The Board of Regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, The University of Texas System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of The University of Texas System, not in conflict with the Constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. (R.S. Art. 2596; V.A.C.S. Art. 2592a, Sec. 1; Art. 2603b-1.)

(2) In Section 66.01, insert "10" between "Sections" and "11,".

(3) Amend Section 66.02 to read as follows:

Sec. 66.02. Available University Fund. The dividends, interest, and other income from the permanent university fund shall constitute the available university fund. All income derived from the permanent university fund shall be deposited in the state treasury to the credit of the available university fund within five days after receipt by any state officer, agent, or employee. (V.A.C.S. Art. 2654d, Sec. 5 (part).)

(4) Strike Subsection (a) of Section 66.03 and substitute the following:

(a) The reference in Article VII, Section 18, of the Texas Constitution, to "Chapter 42 of the Acts of the Regular Session of the 42nd Legislature of the State of Texas" shall be construed to mean this section.

(5) Strike the parenthetical citation at the end of Section 66.04 and insert the following:

"In the case of any bonds bought under this section, premium or discount shall be distributed over the life of the bonds. (V.A.C.S. Art. 2591a, Sec. 3 (part), 4 (part).)"

(6) In the caption for Section 66.43, strike "Geologist and Mineralogist; other".

(7) Add a Section 68.03 to read as follows:

Sec. 68.03. Buildings. It is the intent of the legislature that future building needs of The University of Texas at Arlington shall be financed from some source or sources other than The University of Texas' share of the principal and/or interest of and from the Permanent University Fund. (V.A.C.S. Art. 2620a, Sec. 2 (part).)

(8) Amend Subsection (b) of Section 73.103 to read as follows:

(b) To be qualified for appointment as president, a person must be a licensed physician possessing an M.D. degree with at least five years of experience practicing medicine.

(9) Amend Sections 74.001 and 74.002 to read as follows:

Sec. 74.001. Composition. The University of Texas Medical Branch at Galveston is composed of the following component institutions under the control and management of the Board of Regents of The University of Texas System:

(1) The University of Texas Medical School at Galveston, including:

- (A) the Graduate School;
- (B) the School of Allied Health Sciences; and
- (C) the Marine Biomedical Institute;

(2) The University of Texas Hospitals at Galveston, including:

- (A) John Sealy Hospital;

- (B) Children's Hospital;
- (C) Marvin L. Graves Hospital;
- (D) Randall Pavilion;
- (E) Moody State School for Cerebral Palsied Children;
- (F) R. Waverly Smith Pavilion;
- (G) Jennie Sealy Hospital;
- (H) John W. McCullough Outpatient Clinic;
- (I) Rebecca Sealy Outpatient Facility; and
- (J) Rosa and Henry Ziegler Hospital; and

(8) other institutions that may be assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(b).)

Sec. 74.002. Jennie Sealy Hospital; R. Waverly Smith Pavilion. (a) The Jennie Sealy Hospital and the R. Waverly Smith Pavilion shall be operated by the medical branch as integral parts of its hospital operations, but without cost or expense to the medical branch or to the state for maintenance, operations, repairs, or otherwise.

(b) Title to those facilities shall remain in the name of the Sealy-Smith Foundation; and the property shall not be sold, granted, leased, or in any manner conveyed to the medical branch or to the university system.

(c) Except as otherwise provided in this section, the land on which Jennie Sealy Hospital is situated (Lots 11, 12, 13, and 14, Block 667, city of Galveston, Galveston County, Texas, conveyed to the Sealy-Smith Foundation by the board of regents) shall be used as the site of the Jennie Sealy Hospital, and in the event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents and the trustees of the Sealy-Smith Foundation, the purpose or use of these facilities may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school. However, no agreement shall be made which will impose on the medical branch or the state any obligation for maintenance, operation, repairs, or otherwise. (V.A.C.S. Art. 2603h, Sec. 1-7.)

(10) Amend Sections 75.102 and 75.105 to read as follows:

Sec. 75.102. Administration. The administration of the institute for urban studies shall be under the direction of the chancellor and board of regents of The University of Texas System. The administrative officer of the institute shall be appointed by the chief academic executive of his university with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 75.105. Receipt and Disbursement of Funds, Property, and Services. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the chief academic executive of the university and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

(11) Conform all chapter table of contents to these amendments as necessary.

Amend caption to conform to body of bill.

HB 1235 WITH SENATE AMENDMENTS

Mr. Murray called up with Senate Amendments for consideration at this time,

HB 1235, Relating to certain exemptions from the sales tax.

On motion of Mr. Murray, the House concurred in the Senate Amendments to HB 1235.

Mr. Murray moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 1235 and to table the motion to reconsider.

The motion to table prevailed.

HB 1235—TEXT OF SENATE AMENDMENTS

Amend HB 1235 by adding the following language between the words fishing vessels and the words or barges the words vessels used commercially as vessels for pleasure fishing by individuals as paying passengers thereon.

Amend caption to conform to body of bill.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for the remainder of today on account of important business:

Mr. Lovell on motion of Mr. Rodriguez.

Mr. Graves on motion of Mr. Harris.

HB 752 WITH SENATE AMENDMENTS

Mr. Calhoun called up with Senate Amendments for consideration at this time,

HB 752, Relating to making certain changes in the motor fuel tax.

On motion of Mr. Calhoun, the House concurred in the Senate Amendments to HB 752 by the following vote:

Yeas—105

Agnich	Denton	Kost	Salter
Allen, Joe	Doyle	Kubiak	Sanchez
Allred	Earthman	Lee	Santiesteban
Atwell	Farenthold	Lemmon	Schulle
Baker	Finck	Lewis	Semos
Bass, B.	Finnell	Ligarde	Shannon
Bass, T.	Foreman	Lombardino	Sherman
Beckham	Gammage	Moncrief	Short
Bigham	Garcia	Moore, A.	Silber
Blanton	Grant	Moore, T.	Simmons
Blythe	Hale	Moreno	Solomon
Bowers	Hanna, Joe	Murray	Spurlock
Boyle	Harding	Nelms	Stroud
Bynum	Harris	Newton	Swanson
Calhoun	Hawkins	Nichols	Tarbox
Cates	Hawn	Niland	Traeger
Cavness	Haynes	Nugent, J.	Truan
Christian	Head	Ogg	Tupper
Clark	Hilliard	Parker, C.	Vale
Clayton	Holmes, T.	Parker, W.	Von Dohlen
Coats	Howard	Patterson	Wayne
Cobb	Hull	Pickens	Wieting
Craddick	Johnson	Poerner	Williams
Cruz	Jones, D.	Presnal	Williamson
Daniel	Jones, G.	Price	
Davis, D.	Jungmichel	Reed	
Davis, H.	Kaster	Rosson	

Nays—7

Adams	Hubenak	Nabers	Uher
Burgess	Mengden	Poff	

Absent

Angly	Cole	Hannah, John	McAlister
Atwood	Doran	Jones, E.	Rodriguez
Carrillo	Finney	Kilpatrick	Smith

Absent-Excused

Allen, John	Golman	Longoria	Salem
Braecklein	Graves	Lovell	Slack
Braun	Heatly	McKissack	Slider
Caldwell	Hendricks	Moore, G.	Stewart
Dramberger	Holmes, Z.	Neugent, D.	Ward
Floyd	Ingram	Orr	Wolff
			Wyatt

Mr. Calhoun moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 752 and to table the motion to reconsider.

The motion to table prevailed.

HB 752—TEXT OF SENATE AMENDMENTS

Senate Committee Amendment No. 1

Amend Section 1 of HB 752 to read as follows:

Section 1. Section (7) of Article 9.01, Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

(7) "Dealer" shall mean and include any person who as the operator of a service station or other retail outlet delivers motor fuel into the fuel supply tanks of motor vehicles, boats or aircraft owned or operated by others.

Senate Committee Amendment No. 2

Amend Section 2 of HB 752 to read as follows:

Section 2. Article 9.01 of Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding thereto two new Sections designated as Sections (14) and (15) to read as follows:

(14) "Wholesaler" or "Jobber" shall mean and include any distributor as defined or other person who purchases tax paid motor fuel at wholesale from a duly licensed distributor for resale or distribution at wholesale to dealers, or for resale or distribution at wholesale to dealers and bulk users.

(15) "Bulk User" shall mean and include any person who purchases tax paid motor fuel for delivery in quantities of twenty-five hundred (2500) gallons or more per delivery into storage facilities maintained by him primarily for delivery of such motor fuel into fuel supply tanks of motor vehicles.

Committee Amendment No. 3

Amend HB 752 by adding a new Section to be known as Section 6, to read as set out below, and by renumbering all subsequent sections consecutively:

Section 6. Section (2) of Article 9.13, Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

(2) Any person (except as hereinafter provided), who shall use motor fuel for the purpose of operating or propelling any stationary gasoline engine, motorboat, aircraft, or tractor used for agricultural purposes, or for any other purpose except in a motor vehicle operated or intended to be operated upon the public highways of this state, and who shall have paid the tax imposed upon said motor fuel by this chapter, either directly or indirectly, shall, when such person has fully complied with all provisions of this Article and the rules and regulations promulgated by the comptroller, be entitled to reimbursement of the tax paid by him less any amount allowed distributors, wholesalers or jobbers, retailers or others under the provisions of Article 9.02(2) of this chapter. Provided, however, no tax refund shall be paid to any person on motor fuel used in any construction

or maintenance work which is paid for from any state funds to which motor fuel tax collections are allocated or which is paid jointly from any said state funds and federal funds, except that when such fuel is used in maintenance of way machines, or other equipment of a railroad, operated upon stationary rails or tracks, then such railroad shall be entitled to a tax refund on such fuels.

Amendment No. 4

Amend caption to conform to body of bill.

HB 22 WITH SENATE AMENDMENTS

Mr. McAlister called up with Senate Amendments for consideration at this time,

HB 22, Relating to the preservation of historic courthouses.

Mr. McAlister moved to suspend all necessary rules and concur in the Senate Amendments to HB 22.

The motion prevailed by the following vote:

Yeas—108

Agnich	Doyle	Jungmichel	Presnal
Allen, Joe	Earthman	Kaster	Price
Allred	Farenthold	Kost	Reed
Atwell	Finck	Kubiak	Rodriguez
Baker	Finnell	Lee	Salter
Bass, B.	Finney	Lemmon	Sanchez
Bass, T.	Foreman	Lewis	Santiesteban
Beckham	Gammage	Ligarde	Schulle
Bigham	Garcia	Lombardino	Semos
Blanton	Grant	McAlister	Shannon
Blythe	Hale	Moncrief	Sherman
Bowers	Hanna, Joe	Moore, A.	Silber
Boyle	Hannah, John	Moore, T.	Simmons
Bynum	Harding	Moreno	Solomon
Calhoun	Harris	Murray	Spurlock
Cates	Hawkins	Nelms	Stroud
Cavness	Hawn	Newton	Swanson
Clark	Haynes	Nichols	Tarbox
Clayton	Head	Niland	Traeger
Coats	Hilliard	Nugent, J.	Truan
Cobb	Holmes, T.	Ogg	Tupper
Craddick	Howard	Parker, C.	Vale
Cruz	Hubenak	Parker, W.	Von Dohlen
Daniel	Hull	Patterson	Wayne
Davis, D.	Johnson	Pickens	Wieting
Davis, H.	Jones, D.	Poerner	Williams
Denton	Jones, G.	Poff	Williamson

Nays—7

Adams	Mengden	Rosson	Uher
Doran	Nabers	Short	

Absent

Angly	Carrillo	Cole	Kilpatrick
Atwood	Christian	Jones, E.	Smith
Burgess			

Absent-Excused

Allen, John	Graves	McKissack	Stewart
Braecklein	Heatly	Moore, G.	Ward
Braun	Hendricks	Neugent, D.	Wolff
Caldwell	Holmes, Z.	Orr	Wyatt
Dramberger	Ingram	Salem	
Floyd	Longoria	Slack	
Golman	Lovell	Slider	

Mr. McAlister moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 22 and to table the motion to reconsider.

The motion to table prevailed.

HB 22—TEXT OF SENATE AMENDMENTS

Amend HB 22 by striking all of Section 1 thereof and substituting in lieu thereof the following:

"Section 1. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is amended by adding a Section 9c to read as follows:

"Section 9c. (a) No county may demolish, sell, lease or damage the historical or architectural integrity of the courthouse of the county without first giving six months notice to the Texas State Historical Survey Committee.

"(b) If, after notice, the Committee determines that a courthouse has historical significance worthy of preservation, the Committee shall notify the commissioners court of the county within 30 days after receiving notice from the county. A county may not demolish, sell, lease or damage the historical or architectural integrity of the courthouse for 180 days after receiving notice from the Committee. The Committee shall cooperate with interested persons during the 180-day period to preserve the historical heritage of the courthouse.

"(c) A county may carry out ordinary maintenance and repairs of its courthouse without notice to the Committee."

Amend caption to conform to body of bill.

HB 1599 WITH SENATE AMENDMENTS

Mr. Tom Moore called up with Senate Amendments for consideration at this time,

HB 1599, Relating to the compensation of the district attorney in certain counties.

On motion of Mr. Tom Moore, the House concurred in the Senate Amendments to HB 1599 by the following vote:

Yeas—113

Adams	Denton	Kilpatrick	Rosson
Agnich	Doran	Kost	Salter
Allen, Joe	Doyle	Lee	Sanchez
Allred	Earthman	Lemmon	Santiesteban
Atwell	Farenthold	Lewis	Schulle
Baker	Finck	Ligarde	Semos
Bass, B.	Finnell	Lombardino	Shannon
Bass, T.	Finney	McAlister	Sherman
Beckham	Foreman	Mengden	Short
Bigham	Gammage	Moncrief	Silber
Blanton	Garcia	Moore, A.	Simmons
Blythe	Grant	Moore, T.	Solomon
Bowers	Hale	Moreno	Spurlock
Boyle	Hanna, Joe	Murray	Stroud
Burgess	Hannah, John	Nabers	Swanson
Bynum	Harris	Nelms	Tarbox
Calhoun	Hawkins	Newton	Traeger
Cates	Hawn	Nichols	Truan
Cavness	Haynes	Nugent, J.	Tupper
Christian	Head	Ogg	Uher
Clark	Hilliard	Parker, C.	Vale
Clayton	Holmes, T.	Parker, W.	Von Dohlen
Coats	Howard	Patterson	Wayne
Cobb	Hubenak	Pickens	Wieting
Craddick	Hull	Poff	Williams
Cruz	Johnson	Presnal	Williamson
Daniel	Jones, D.	Price	
Davis, D.	Jungmichel	Reed	
Davis, H.	Kaster	Rodriguez	

Nays—2

Niland Poerner

Present—Not Voting

Harding Kubiak

Absent

Angly	Carrillo	Jones, E.	Smith
Atwood	Cole	Jones, G.	

Absent-Excused

Allen, John	Graves	McKissack	Stewart
Braecklein	Heatly	Moore, G.	Ward
Braun	Hendricks	Neugent, D.	Wolff
Caldwell	Holmes, Z.	Orr	Wyatt
Dramberger	Ingram	Salem	
Floyd	Longoria	Slack	
Golman	Lovell	Slider	

Mr. Tom Moore moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 1599 and to table the motion to reconsider.

The motion to table prevailed.

HB 1599—TEXT OF SENATE AMENDMENTS

Amend HB 1599 by striking out all below the Enacting Clause and substituting in lieu thereof the following:

Section 1. Section 1, Chapter 716, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 326k-56, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a) The General Law of the State of Texas regarding compensation of district attorneys shall apply to the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts.

"(b) The commissioners court of McLennan County may supplement the compensation paid the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts under the General Law over and above that paid by the State of Texas.

"(c) There is hereby appropriated from the General Revenue Fund of the State an amount equal to that sum set in the General Appropriation Bill as the state's portion of the salary of the district attorneys of the State of Texas."

Sec. 2. Section 2b, Chapter 206, Acts of the 50th Legislature, 1947, as amended (Article 326k-12, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 2b. The salary of the investigators and assistants appointed by the Criminal District Attorney of McLennan County shall be fixed at a sum of not more than Fifteen Thousand Dollars (\$15,000) per annum."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amend caption to conform to body of bill.

SB 460—ADOPTION OF CONFERENCE COMMITTEE REPORT

Mr. Delwin Jones submitted the following Conference Committee Report on SB 460:

Austin, Texas
May 17, 1971

Honorable Ben Barnes
President of the Senate

Honorable Gus Mutscher
Speaker of The House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 460 have met and had same under consideration, and beg to report it back with the recommendations that it do pass in the form and text hereto attached.

On the part of the Senate: Blanchard
Word
Connally
Snelson
Hightower

On the part of the House: Delwin Jones
Aubry Moore
E. L. Short
Bill Clayton
Billy Williamson

SB 460

A bill to be entitled An Act concerning the issuance of permits and taxation of suppliers, dealers, and users of liquefied gas and liquefied gas carburetor dealers; amending Articles 10.52, 10.53, 10.58, 10.59, 10.61, 10.62, and 10.63 of Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Section (7) of Article 10.52, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"(7) 'User' means any person who delivers, or causes to be delivered, any liquefied gas into the fuel supply tanks of motor vehicles owned or operated by him for use on the public highways of the State of Texas."

Sec. 2. Article 10.52, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, is amended by adding two new sections to be designated as Section (14) and Section (15) of said article, to read as follows:

"(14) 'Farm Motor Vehicle', means any truck, pickup, automobile or any other self-propelled motor vehicle designed for use on or required to be licensed for operation upon the public highways, which is used primarily for or in connection with farming, ranching, and other agricultural operations.

"(15) 'Carburetor dealer' means any person engaged to any extent

in the business of selling, leasing, renting, lending or installing any liquefied gas carburetion system on or for use on motor vehicles in this state."

Sec. 3. Sections (3), (4), (5) and (8) of Article 10.53, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, are amended to read as follows:

"(3) Every supplier shall collect and remit the tax, except as hereinafter provided to the contrary, upon each gallon of liquefied gas sold or delivered by him and shall pay the tax upon each gallon of liquefied gas delivered by him into the fuel supply tanks of motor vehicles owned or operated by him. Upon each taxable sale or delivery of liquefied gas to a user or to a dealer or service station for resale and delivery into motor vehicles, the tax shall be collected and remitted to this state on the gross or volumetric gallonage of liquefied gas so sold or delivered without temperature adjustment of the volume so delivered.

"It is expressly provided, however, that deliveries of liquefied gas may be made without collecting the tax otherwise imposed under the following circumstances: (a) when bulk sales or deliveries are made by a bonded supplier to other suppliers holding valid permits, or to bonded dealers, bonded users or special farm users who have secured from the comptroller and then and there hold valid permits authorizing them to purchase liquefied gas tax free, or (b) when such deliveries are made by a bonded supplier into a stationary storage facility of a service station from which liquefied gas will be resold and delivered to purchasers for nonhighway use and not otherwise, providing such storage facility is maintained separate and apart from facilities servicing fuel supply tanks of motor vehicles and is prominently labeled 'NOT FOR HIGHWAY USE' in a manner prescribed by the comptroller and in plain view of the public to indicate that nontax paid products are contained therein, or (c) when such deliveries are made into separate fuel tanks not connected, or fitted for connection, to the propulsion system of the motor vehicle, on invoices showing the vehicle unit or highway license number and other information required by Article 10.62 of this Subchapter, or (d) when such deliveries are made into the fuel supply tanks of farm tractors, or other farm or ranch vehicles designed primarily for nonhighway use, owned or operated by farmers and ranchers when said liquefied gas is used upon the public highway only to propel or move such tractors or vehicles to or from lands owned or operated by or under the control of such farmers or ranchers and located within a ten (10) mile radius of the point which is the customary base of operations of said farmers, or ranchers, or (e) when such deliveries are made to a purchaser for exclusive nonhighway use who furnishes the seller a signed statement that none of the liquefied gas purchased or acquired in Texas by him will be delivered by him or permitted by him to be delivered into the fuel supply tanks of motor vehicles; except as otherwise prescribed by rule and regulation of the comptroller such statement, when furnished to a licensed supplier, shall be effective as long as said licensed supplier continues to sell and deliver liquefied gas to said purchaser, unless the statement is revoked in writing by the purchaser or supplier, or unless notice in writing of a change in the status of the purchaser is given the supplier by the comptroller, or (f) when such deliveries are made into the fuel supply tank of any farm motor vehicle displaying a special farm user permit decal issued by the comptroller as provided in this Subchapter.

"A taxable use of any part of the liquefied gas purchased tax-free pursuant to Subsection (e) above shall, in addition to the penal provisions

otherwise provided by law, forfeit the right of the user thereof to purchase liquefied gas tax-free for a period of one (1) year from the date of the offense. The comptroller may, however, issue said person a special nonbonded user's permit, to be effective for the period of the forfeiture authorizing such person to file claim for refund of the tax paid on any liquefied gas used for nonhighway purposes under the refund provisions of Article 10.64 of this subchapter.

"(4) Every dealer shall collect the tax, where provided, on each gallon of liquefied gas delivered by him into the fuel supply tanks of motor vehicles, and shall report any pay to this state any tax so collected which has not been paid to a bonded supplier.

"(5) Every user except special farm users shall report and pay to this state the tax, at the rate imposed, on each gallon of liquefied gas delivered by him into the fuel supply tanks of motor vehicles, unless said tax has been paid to a supplier or dealer. Every import user shall also report and pay the tax, at the rate imposed, on each gallon of liquefied gas imported into this state in the fuel supply tanks of motor vehicles owned or operated by him and used in the operation of such motor vehicles upon the public highways of this state. No permit shall be required and no tax shall be paid on liquefied gas imported in the fuel supply tanks of any motor vehicle when said fuel supply tanks, and any additional containers, have an aggregate capacity of not more than thirty (30) gallons, and if said motor vehicle is not operated by said user for hire, or compensation, or for commercial purposes.

"(8) In authorizing a special farm user to pay taxes in advance on the basis of one thousand two hundred (1200) gallons per calendar year for the privilege of thereafter purchasing such product tax-free without securing another user's permit and performing the functions required of such user, it is expressly provided that if the comptroller determines that taxes paid in advance for a special farm user's permit are wholly inadequate to compensate for the taxable gallons being used by the permittee on the public highways, he may require such permittee to pay taxes in advance based upon the actual taxable gallonage being so used which if not paid will be cause for revocation of the permit."

Sec. 4. Article 10.53, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended by adding a new section to be designated "Section (9)" of said article, to read as follows:

"(9) No part of this subchapter shall prevent sale and delivery by a supplier or dealer to any person, user, or other consumer of liquefied gas for highway use when such user or consumer shall pay the prescribed tax to such supplier or dealer upon such delivery."

Sec. 5. Section (2) of Article 10.58, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended to read hereinafter as follows:

"(2) Any person except persons holding special farm user permits, who operates one or more motor vehicles propelled with liquefied gas within or into this state with a maximum gross loaded weight in excess of twelve thousand (12,000) pounds, without keeping the invoices and all

other records required of him by law, from which the average miles traveled per gallon of liquefied gas consumed can be determined, shall be prima facie presumed to have consumed not less than one (1) gallon liquefied gas for every four (4) miles traveled by each such motor vehicle. Any person except persons holding special farm user permits who operates one or more pickups or other motor vehicles propelled with liquefied gas within or into this state with a maximum gross loaded weight of twelve thousand (12,000) pounds or less without keeping the invoices and all other records required of him by law shall be prima facie presumed to have consumed one (1) gallon of liquefied gas for every eight (8) miles traveled, and the taxes due this state shall be computed on this basis."

Sec. 6. Section (1) of Article 10.59, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, is amended to read as follows:

"(1) Every person defined herein as a supplier, dealer, carburetor dealer, special farm user, import user or other user shall secure from the comptroller the kind and class of permit required herein to act in such capacity or to perform such functions. Application shall be filed with the comptroller for any such permit on a form prescribed by the comptroller, showing the kind and class of permit desired, and such other information as the comptroller may require. It is expressly provided, however, that each applicant for a special farm user permit shall file with and as a part of such application and each renewal thereof, information showing for each motor vehicle equipped to use liquefied gas for its propulsion, the make, the motor number or other identification number, and the total mileage recorded on the speedometer of the motor vehicle at the time application is filed, and said information shall be filed with the comptroller for each and every motor vehicle equipped to use liquefied gas as a fuel which is thereafter purchased or acquired or put into operation by said permit holder."

Sec. 7. Section (1) of Article 10.61, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, is amended to read as follows:

"(1) Upon approval of an application and approval of any bond required, the comptroller shall issue to the applicant a permit authorizing him to engage in the kind of business or other operation or to perform the functions set out in and authorized by the class of permit so issued. The permits shall be issued for each calendar year, or any unexpired part of a year, and shall be effective from the date of issue to the end of such calendar year, unless revoked or suspended for cause, as hereinafter provided. Such permits shall be of the kinds and classifications as set out hereinbelow:

"Bonded Supplier Permits.

"Authorizing persons to engage in business as suppliers of liquefied gas to licensed dealers, users, other suppliers, and to other authorized purchasers of liquefied gas.

"Nonbonded Dealer Permits.

"Authorizing dealers whose purchases of liquefied gas are predominantly for sale and delivery into the fuel supply tanks of motor vehicles to operate as dealers who pay the tax imposed herein to the supplier of such

fuel and claim refund of the tax paid on any liquefied gas thereafter sold for nonhighway use.

"Bonded Dealer Permits.

"Authorizing dealers whose purchases of liquefied gas are predominantly for resale for nonhighway use to purchase liquefied gas tax-free from their supplier and to report and pay taxes to this state on the part of such liquefied gas which is delivered into the fuel supply tanks of motor vehicles.

"Nonbonded User Permits.

"Authorizing users whose purchases of liquefied gas are predominantly for delivery by them into the fuel supply tanks of motor vehicles owned or operated by them, or users whose right to purchase liquefied gas tax-free has been forfeited, to pay the tax imposed herein to the supplier and claim refund of the tax paid on any liquefied gas thereafter used by them off the public highways.

"Bonded User Permits.

"Authorizing users whose purchases of liquefied gas are predominantly for nonhighway use by them to purchase liquefied gas tax-free from their suppliers and to report and pay taxes to this state on the part of such liquefied gas which is delivered into the fuel supply tanks of motor vehicles owned or operated by them.

"Special Farm User Permits.

"Authorizing users of liquefied gas for the propulsion of farm motor vehicles on the public highways of this state to elect to pay taxes in advance on one thousand two hundred (1200) gallons of liquefied gas for each and every motor vehicle owned or operated by them and propelled in whole or in part with liquefied gas during the calendar year and thereafter to purchase liquefied gas tax free in lieu of securing a bonded user's permit and filing monthly reports and tax payments, and keeping records other than the annual mileage records provided herein. In the event any additional farm motor vehicles equipped to use liquefied gas as a fuel are placed in operation by a special farm user after the first month of any calendar year, a tax shall become due and payable to this state and is hereby imposed at the tax rate prescribed herein on one-twelfth (1/12) of one thousand two hundred (1200) gallons per motor vehicle so added for each calendar month or fraction thereof remaining in the current calendar year. The comptroller shall issue special permit decals for each motor vehicle on which taxes have been paid in advance, which shall be affixed on each such motor vehicle as the comptroller may direct.

"Bonded Import-User Permits.

"Authorizing users to import or bring liquefied gas into this state in the fuel supply tanks of motor vehicles owned or operated by them, and to report and pay the tax due thereon to this state, and to claim credit or a refund of the tax paid on liquefied gas which is thereafter used in other states.

"Carburetor Dealer Permits.

"Authorizing persons holding such permits to sell, lease, transfer, or make installation of liquefied gas carburetion systems and requiring re-

ports to be filed monthly with the comptroller showing the date and recipient of each carburetion system sold, leased, transferred or installed on or for use on a farm motor vehicle and such other information as the comptroller may require.

"Nothing herein shall be construed as permitting any tax free sale or delivery of liquefied gas to an import user, or of permitting any sale and delivery of liquefied gas directly into the fuel supply tanks of a motor vehicle without collecting the tax thereon from the purchaser of such liquefied gas, except sales or deliveries into the fuel supply tanks of farm motor vehicles displaying valid special farm user permit decals issued and held pursuant to the provision of this Subchapter.

"The comptroller shall determine from the information shown in the application or other investigation the kind and class of permits to be issued.

"A supplier may operate under his supplier's permit as a dealer, an import-user, or as a user without securing a separate permit, but he shall be subject to all other conditions, requirements, and liabilities imposed by this subchapter upon a dealer, an import-user, or a user. A licensed dealer may use liquefied gas in motor vehicles owned or operated by him without securing a separate permit as a user, subject to all conditions, requirements and liabilities imposed herein upon a user.

"If any farm motor vehicle on which taxes have been paid in advance by a special farm user, for which a permit decal has been issued shall, prior to the end of the calendar year, be destroyed, sold, traded or otherwise disposed of, or for any reason the permittee ceases to be the owner or operator thereof, the permittee shall be required to remove such decal and immediately give notice in writing to the comptroller of such destruction, sale or other disposition thereof. Failure to remove such permit decals and to notify the comptroller in writing of said removals as above provided shall be grounds for cancellation of the special farm user permit or for requiring such person to secure a nonbonded user's permit; provided, however, when a motor vehicle upon which the tax has been paid in advance is sold or transferred by one special farm user to another special farm user or to a person who shall qualify for and obtain a special farm user permit, the comptroller may issue written authority to transfer the decal issued and attached to said motor vehicle and all rights thereunder to the purchasing special farm user in such manner and form as may be required by the comptroller.

"If a farm motor vehicle shall be destroyed or sold or transferred so that it shall no longer qualify for the special farm user permit decal, then in that event the owner or operator shall be entitled to a return of the unused portion of the advance taxes theretofore paid to the comptroller for that calendar year. The owner or operator shall submit to the comptroller an affidavit identifying the vehicle, and stating the circumstances entitling him to a refund, the initial date of disuse or conversion, the permit and decal number assigned and all other information reasonably required by the comptroller. Upon receipt of the affidavit and when satisfied as to the circumstances, the comptroller shall cause to be refunded to the owner or operator that portion of his tax payment that corresponds to the number of complete months remaining in the calendar year for which the tax has been paid, beginning with the month following the date on which the vehicle was no longer utilized. No refund shall be made if the use of the vehicle ceased within the last month of the calendar year.

"All permits shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. Permit holders shall reproduce the permit by photostat or other method and keep a copy on display at each additional place of business or other place of storage from which liquefied gas is sold, delivered or used and in each motor vehicle used by the permit holder to transport liquefied gas purchased by him for resale, distribution or use. Persons holding import-user permits shall reproduce the permit and carry a photocopy thereof with each motor vehicle being operated into or from the State of Texas.

Sec. 8. Section (3) of Article 10.62, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, is amended to read as follows:

"(3) a. Every user except a special farm user shall keep a record of deliveries into his motor vehicles and a complete record of the total gallons of liquefied gas used for other purposes during each month and the purposes for which said liquefied gas was used.

"b. A special farm user who has paid taxes in advance on one or more farm motor vehicles shall not be required to issue and keep invoices of each delivery of liquefied gas into the fuel supply tanks of such motor vehicles when proper permit decals are affixed thereto, and shall not be required to keep any other records of liquefied gas purchased and used by him except a record of the total miles traveled by each farm motor vehicle operated by him on which taxes have been paid in advance, from the date the permit decal is issued or assigned to said motor vehicles to the end of the calendar year. Failure to keep such records shall be grounds for cancellation of the special farm user permit."

Sec. 9. Section (4) of Article 10.63, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, is amended to read as follows:

"(4) Every user except a special farm user who purchases or acquires liquefied gas tax-free shall, on or before the 25th day of each calendar month, file with the comptroller upon forms prescribed by the comptroller an itemized report, made subject to the penalties of Article 1.12, Chapter 1 of this title, accounting for the liquefied gas handled during the preceding month, which report shall show the quantities of liquefied gas purchased or received and the suppliers from whom received, the quantities delivered into the fuel supply tanks or motor vehicles owned or operated by such user, the quantities used off the public highways of this state and the purposes for which used, the quantities lost by fire or other accident or disposed of in any other manner, and the total quantities on hand at the beginning and at the end of the month covered by such report. The comptroller may in his discretion require schedules from any such user with respect to any purchases, deliveries or uses of liquefied gas. Every such user shall attach legal tender to said report or make proper form of money order or exchange payable to the state treasurer in the amount of taxes due for the period covered by the report.

"Every carburetor dealer who sells, leases or transfers liquefied gas carburetion systems or who install such systems for use in supplying liquefied gas to propel motor vehicles in this state, shall on or before the 25th day of each calendar month file with the comptroller upon forms prescribed by the comptroller a report made subject to the penalties of Arti-

cle 1.12, Chapter 1 of this Title, accounting for every liquefied gas carburetion system sold, leased, transferred, or installed by such carburetor dealer, and showing such other information as the comptroller may deem necessary in the control of the taxable use of liquefied gas used to propel motor vehicles upon the public highways of this state."

Sec. 10. All taxes, penalties and interest accrued, and all liens created and bonds executed to secure their payments under any laws amended or repealed by this Act prior to its effective date, are hereby declared to be legal and valid obligations to this state; and any offenses committed or any fines or penalties incurred under any laws amended or repealed by this Act prior to its effective date shall not be affected by such amendments or repeal, but the punishment of such offenses and the recovery of such fines or penalties shall take place as if the laws amended or repealed has remained in force.

Sec. 11. All laws or parts of laws in conflict herewith are, insofar as such conflict exists, hereby repealed and this Act shall prevail over any conflicting provisions of law.

Sec. 12. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and this Act shall take effect and be in force on and after September 1, 1971, and it is so enacted.

Mr. Delwin Jones moved to adopt the Conference Committee Report on SB 460.

The motion prevailed.

Mr. Delwin Jones moved to reconsider the vote by which the Conference Committee Report on SB 460 was adopted and to table the motion to reconsider.

The motion to table prevailed.

SB 369—ADOPTION OF CONFERENCE COMMITTEE REPORT

Mr. Ogg submitted the following Conference Committee Report on SB 369:

Austin, Texas
May 18, 1971

Honorable Ben Barnes
President of the Senate

Honorable Gus Mutscher
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 369 have met

and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: Oscar Manzy
Ronald Bridges
Barbara Jordan
Don Kennard
Glenn Kothmann

On the part of the House: Jack Ogg
DeWitt Hale
Bill Clayton
Dean Cobb
Terry Doyle

SB 369, A bill to be entitled An Act requiring the use of the jury wheel in all counties and providing the source of names to be used for jury wheels; and providing for certain procedures relating to the use of the jury wheel and selection of juries; amending Articles 2094, 2095, 2100, and 2101, Revised Civil Statutes of Texas, 1925, as amended, and Chapter 529, Acts of the 61st Legislature, Regular Session, 1969 (Article 2100a, Vernon's Texas Civil Statutes), and Chapter 122, Acts of the 50th Legislature, Regular Session, 1947 (Article 2103a, Vernon's Texas Civil Statutes); authorizing the judge of a court to determine the necessary number of jurors to be drawn from the jury wheel and authorizing the parties to a suit to view drawing of names from the jury wheel, amending Article 2096, Revised Civil Statutes of Texas, 1925, as amended; providing for extra jurors; amending Article 2118, Revised Civil Statutes of Texas, 1925, as amended; providing for service by the sheriff to appear and report for jury service, amending Section 1, Chapter 338, Acts of the 45th Legislature, Regular Session, 1937 (Article 2116d, Vernon's Texas Civil Statutes); providing that a court may not excuse a juror for economic reasons, amending Article 2120, Revised Civil Statutes of Texas, 1925; providing for qualifications for jury service, amending Subsection 1, Article 2133, Revised Civil Statutes of Texas, 1925, as amended; providing certain exceptions to jury service, amending Article 2135, Revised Civil Statutes of Texas, 1925, as amended; relating to the number of peremptory challenges to be assigned to parties requiring names of stricken jurors to be returned to the jury wheel; relating to removal from the jury panel; repealing Articles 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2116e, 2119, and 2136, Revised Civil Statutes of Texas, 1925, as amended, Chapter 454, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 2116c, Vernon's Texas Civil Statutes), and Chapter 395, Acts of the 58th Legislature, 1963, as amended (Article 2103b, Vernon's Texas Civil Statutes); repealing all laws in conflict; providing a severability clause; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Article 2094, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2094. Between the first and fifteenth days of August of each

year, in each county in this state, the tax collector, sheriff, county clerk, and district clerk of the county, each in person or represented by one of his deputies, shall meet at the county courthouse and reconstitute the jury wheel, using as the sole and mandatory source, all names on the voter registration lists from all precincts in the county."

Sec. 2. Article 2095, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2095. Cards put in wheel; typists and expenses.

"Said officers shall write the names of all persons on said precinct lists, residing in their respective counties, on separate cards of uniform size and color, writing also on said cards, whenever possible, the post office address of each juror so selected, except that in counties having a population of one hundred forty thousand (140,000) or more, according to the last preceding federal census, the commissioners court shall provide out of the jury fund a sum sufficient for the employment of typists and payment of other expenses. The typists, under the direction, control and supervision of the district clerk, shall type the names and addresses of qualified jurors upon the cards as herein described. The expenses so incurred shall be authorized, reported, paid and accounted for under the same laws, rules and regulations as govern the payment of other expenses of the office of the district clerk in such counties, except as otherwise herein specifically provided. The cards containing said names shall be deposited in a jury wheel, to be provided for such purpose by the commissioners court of the county. Said wheel shall be constructed of any durable material and shall be so constructed as to freely revolve on its axle; and may be equipped with a motor capable of revolving said wheel in such a manner as to thoroughly mix said cards; and shall be kept locked at all times, except when in use as hereinafter provided, by the use of two separate locks, so arranged that the key to one will not open the other lock; and said wheel, and the clasps thereto attached into which the locks shall be fitted, shall be so arranged that the wheel cannot be opened unless both of said locks are unlocked at the time the wheel is opened. The keys to such locks shall be kept, one by the sheriff and the other by the district clerk. The sheriff and the clerk shall not open such wheel, nor permit the same to be opened by any person, except at the time and in the manner and by the persons herein specified; but said sheriff and clerk shall keep such wheel, when not in use, in a safe and secure place, where the same cannot be tampered with."

Sec. 3. Article 2100, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 2100. Loss of wheel. If the wheel containing the names of jurors be lost or destroyed, with the contents thereof, or if all the cards in said wheel be drawn out, such wheel shall immediately be refurnished, and cards bearing the names of jurors shall be placed therein immediately in accordance with the laws of the state."

Sec. 4. Subsections 1 and 3, Article 2101, Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

"Article 2101. Interchangeable juries. The provisions of this article shall be applicable only to such counties of this state as may now maintain three or more district courts, or in which three or more district courts may be hereafter established. A criminal court in any county with jurisdiction

in felony cases shall be considered a district court within the meaning of this article. The 'Interchangeable Jury Law' shall not apply to a selection of jurors in lunacy cases or in capital cases.

"1. Jury Wheel Law governs.—The provisions of the statutes governing jury wheels shall remain in full force and effect, except as modified by the special provisions of this law.

"3. Used interchangeably.—Said jurors, when impaneled shall constitute a general jury panel for service as jurors in all county and district courts in said county, and shall be used interchangeably in all of said courts. In the event of a deficiency of jurors at any given time to meet the requirement of all said courts, the judge having control of the said general panel shall order such additional jurors to be drawn from the wheel as may be sufficient to meet the emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no longer needed. Resort to the wheel shall be had in all cases to fill out the general panel."

Sec. 5. Chapter 529, Acts of the 61st Legislature, Regular Session, 1969 (Article 2100a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 2100a. Section 1. In lieu of any other procedure now provided by law, the commissioners court of any county in the state, upon recommendation of the district judge or a majority of the district judges of said courts, by order entered upon its minutes, may adopt a plan for the selection of persons for jury service with the aid of mechanical or electronic means.

"Section 2. Any such plan so adopted shall conform to the following requirements:

(a) It shall be proposed in writing to the commissioners court by a majority of the judges of the district courts in such county, including criminal district courts, at a meeting of the district judges called for that purpose.

"(b) It shall specify that the sources from which names are to be taken for jury purposes are all voter registration lists from all precincts in the county.

"(c) It shall provide a fair, impartial, and objective method of selecting persons for jury service with the aid of mechanical or electronic equipment.

"(d) It shall designate the clerk of the district courts as the official to be in charge of the selection process and shall define his duties.

"(e) It shall specify that a true and complete written list showing the names and addresses of the persons summoned to begin jury service on a particular date shall be filed of record with the county clerk at least 10 days prior to the date such persons are to begin such jury service.

"Section 3. In any county where such a plan is adopted, as above provided, the laws relating to the selection of petit juries by jury wheel shall not apply."

Sec. 6. Section 1, Chapter 122, Acts of the 50th Legislature, 1947 (Article 2103a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 2103a. County Judges and Judges of County Courts at Law in certain counties; drawing additional jurors.

"In all counties having two or more county courts at law, when a panel of jurors shall not have been drawn by one of the district judges as directed by Article 2101, or when the number of jurors drawn shall be deemed insufficient by the county judge or either of the judges of the county courts at law, the county judge or judge of either county court-at-law may order the drawing of such additional jurors from the jury wheel for service in any of such courts for so long a period of time as the trials in such courts may reasonably require. Such jurors when drawn shall be available for service in either of such courts. All of the provisions of law now otherwise governing the drawing of jurors in the courts in such counties by the district judge shall govern so far as applicable, except as herein otherwise expressly provided. The county judge and the judge of any of the county courts at law shall concurrently have the same authority with respect to determining and remedying a deficiency in the number of jurors as is now conferred on the judge having control of the general jury panel by Section 3, Article 2101, Revised Civil Statutes of Texas, 1925, as amended."

Sec. 7. Article 2096, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2096. (a) Not less than 10 days prior to the first day of a term of court, the district clerk or one of his deputies, and the sheriff, or one of his deputies, in the presence and under the direction of the district judge, if the jurors are to be drawn for district court, or the clerk of the county court, or one of his deputies, and the sheriff, or one of his deputies, in the presence and under the direction of the county judge, if the jurors are to be drawn for the county court, shall draw from the wheel containing the names of the jurors, after the same has been well turned so that the cards therein are thoroughly mixed, one by one the names of those jurors where such judge has so directed to compose as many lists as the term of the district or county courts may require, and shall record the names upon as many lists as the judge shall deem necessary to insure an adequate number of jurors for each session of the court. At such drawing, no person other than those above named shall be permitted to be present, except as hereinafter provided. The officers attending such drawing shall not divulge the names of any person that may be drawn as a juror to any person. If at any time during the term it appears that the lists already drawn will be exhausted before the expiration of the term, additional jurors as are needed may be drawn in the same manner.

"(b) Drawing of names observed. Upon the application in writing of any party to any suit pending upon the docket of a court for which a jury is required, said party, or his duly authorized representative, shall have the right to be present and observe the drawing of names from the jury wheel and the placement thereof upon the jury lists for the time period in which his case is set, provided, however, that the identity of the names so drawn and placed upon the lists at such time shall not be made known to such observer."

Sec. 8. Article 2118, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2118. On any day when a jury has been summoned and there are jury trials, the court shall select a sufficient number of qualified jurors, in his discretion, to serve as jurors. Such jurors shall be selected from the names included in the jury lists, if there be the requisite number of such in attendance who are not excused by the court, but if such number be not in attendance at any time, the court shall direct the sheriff to summon a sufficient number of qualified persons to make up the requisite number of jurors which is to be drawn from the jury wheel for jury trials in the district and county courts, under order of the court, to fill the panel. The names of such jurors to be summoned by the sheriff shall be drawn from the jury wheel as herein provided. All said extra jurors summoned shall be discharged when their services are no longer needed. The court may adjourn the whole number of jurors or any part thereof, to any subsequent day of the term, but the jurors shall not be paid for the time they may stand adjourned."

Sec. 9. Section 1, Chapter 338, Acts of the 45th Legislature, 1937, (Article 2116d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 2116d. Notification by the sheriff. The sheriff shall notify the several persons named for jury service by mailing notice thereof, which notice shall include the time and place at which said juror is to report, to the juror at the address shown by the card placed in the jury wheel, or the address shown by the last voter registration list in said county, and if said letter be received by some person authorized by the United States mail to receive said letter, said service shall be sufficient."

Sec. 10. Article 2120, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 2120. The court may hear any reasonable sworn excuse of a juror, and may release him entirely or until some other day of the term; provided, however, the court shall not excuse any juror for economic reasons unless all parties of record are present and approve such excuse."

Sec. 11. Subsection 1, Article 2133, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"1. He must be a citizen of the state and of the county in which he is to serve and qualified under the Constitution and laws to vote in said county."

Sec. 12. Article 2135, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2135. Jury Service. All competent jurors are liable to jury service, except the following persons:

"1. All persons over sixty-five (65) years of age.

"2. All females who have legal custody of a child or children under the age of ten (10) years."

Sec. 13. After proper alignment of parties, it shall be the duty of the court to equalize the number of peremptory challenges provided under Rule 233, Texas Rules of Civil Procedure, Annotated, in accordance with the ends of justice so that no party is given an unequal advantage because of the number of peremptory challenges allowed that party.

Sec. 14. Once a prospective juror has been removed from a jury panel for cause, by peremptory challenge, or for any reason, he shall be immediately dismissed from jury service and shall not be placed on another jury panel until his name is returned to the jury wheel and drawn again as a prospective juror.

Sec. 15. The following are repealed: Articles 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2116e, 2119, 2136, Revised Civil Statutes of Texas, 1925 as amended, Chapter 454, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 2116c, Vernon's Texas Civil Statutes), and Chapter 395, Acts of the 58th Legislature, 1963, as amended (Article 2103b, Vernon's Texas Civil Statutes).

Sec. 16. All statutes, rules of civil procedure, or case laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

Sec. 17. For all counties under 10,000 population not presently using the jury wheel system for selection of jurors, the district judge of the county or of the judicial district of which the county is a part, may determine whether the county should come under the provisions of this law or may choose to adopt the jury commissioners system for selection of jurors in that county. If the district judge should determine to adopt the jury commission system for selection of jurors in a particular county, he must do so by July 15, 1971, otherwise, the county will come under the provisions of this Act. If, pursuant to the passage of this Act, this Section is held to be unconstitutional by a court of this state or of the United States, then the jury wheel system for selection of jurors as provided by this Act shall be applicable to all counties of the state.

Sec. 18. The provisions of this Act shall become effective on July 15, 1971.

Sec. 19. If any article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional.

Mr. Ogg moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 369.

The motion prevailed by the following vote:

Yeas—106

Adams	Atwell	Beckham	Bowers
Agnich	Baker	Bigham	Boyle
Allen, Joe	Bass, B.	Blanton	Burgess
Allred	Bass, T.	Blythe	Bynum

Calhoun	Hanna, Joe	Mengden	Schulle
Cates	Hannah, John	Moncrief	Semos
Christian	Harding	Moore, A.	Shannon
Clark	Harris	Moore, T.	Sherman
Clayton	Hawkins	Moreno	Short
Coats	Hawn	Murray	Silber
Cobb	Haynes	Nabers	Simmons
Craddick	Hilliard	Nelms	Solomon
Cruz	Holmes, T.	Newton	Spurlock
Davis, D.	Howard	Nichols	Stroud
Davis, H.	Hubenak	Niland	Swanson
Denton	Hull	Nugent, J.	Tarbox
Doyle	Johnson	Ogg	Traeger
Earthman	Jones, D.	Parker, C.	Truan
Farenthold	Jungmichel	Parker, W.	Tupper
Finck	Kost	Patterson	Uher
Finnell	Kubiak	Presnal	Vale
Finney	Lee	Price	Von Dohlen
Foreman	Lemmon	Reed	Wayne
Gammage	Lewis	Rodriguez	Wieting
Garcia	Ligarde	Salter	Williams
Grant	Lombardino	Sanchez	
Hale	McAlister	Santiesteban	

Nays—10

Cavness	Jones, G.	Poerner	Rosson
Doran	Kaster	Poff	Williamson
Head	Pickens		

Absent

Angly	Carrillo	Daniel	Kilpatrick
Atwood	Cole	Jones, E.	Smith

Absent-Excused

Allen, John	Graves	McKissack	Stewart
Braecklein	Heatly	Moore, G.	Ward
Braun	Hendricks	Neugent, D.	Wolff
Caldwell	Holmes, Z.	Orr	Wyatt
Dramberger	Ingram	Salem	
Floyd	Longoria	Slack	
Golman	Lovell	Slider	

Mr. Hale moved to reconsider the vote by which the Conference Committee Report on SB 369 was adopted and to table the motion to reconsider.

The motion to table prevailed.

SB 357—REQUEST OF SENATE GRANTED

On motion of Mr. Atwell, the House granted the request of the Senate for the appointment of a Conference Committee on SB 357.

SB 357—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 357:

Representatives Atwell, Hull, Spurlock, Braecklein, and Boyle.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for the remainder of today on account of important business:

Mr. Edmund Jones on motion of Mr. Blythe.

HB 1163 WITH SENATE AMENDMENTS

Mr. Schulle called up with Senate Amendments for consideration at this time,

HB 1163, Relating to the possession of vehicles on which the engine numbers have been removed.

Mr. Schulle moved that the House do not concur in the Senate Amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

HB 1163—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 1163:

Representatives Schulle, Lovell, Spurlock, Foreman, and Lombardino.

SB 73—REQUEST OF SENATE GRANTED

On motion of Mr. Harris, the House granted the request of the Senate for the appointment of a Conference Committee on SB 73.

SB 73—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 73:

Representatives Harris, Chairman; Dean Neugent, Hubenak, Braun, and Nichols.

SB 818—REQUEST OF SENATE GRANTED

On motion of Mr. Harris, the House granted the request of the Senate for the appointment of a Conference Committee on SB 818.

SB 818—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 818:

Representatives Harris, Chairman; Dean Neugent, Hubenak, Braun, and Nichols.

HB 1001 WITH SENATE AMENDMENTS

Mr. Hull called up with Senate Amendments for consideration at this time,

HB 1001, Relating to the Texas Private Employment Agency Regulatory Board.

Mr. Hull moved that the House do not concur in the Senate Amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

HB 1001—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 1001:

Representatives Hull, Chairman; Cobb, Finney, Tom Holmes, and Walt Parker.

HB 1042 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1042, A bill to be entitled An Act relating to eligibility for participation in the Minimum Foundation School Program; repealing Section 4, Chapter 872, Acts of the 61st Legislature, Regular Session, 1969 (Article 2922-11a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Howard offered the following amendment to the bill:

Amend HB 1042 by striking all below the enacting clause and substituting the following:

Section 1. Section 4(b), Chapter 872, Acts of the 61st Legislature, Regular Session, 1969, (Article 2922-11a, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

“(b) Notwithstanding the provisions of Paragraph (a) of this Section, the program of preschool education shall be extended first to ‘educationally handicapped’ children as preparation for the regular school program in which such children will participate in subsequent years. For purposes of this Section, a child is ‘educationally handicapped’ if he cannot speak, read and comprehend the English language or if he is from a family whose income, according to standards promulgated by the State Board of Education is at or below a subsistence level. The program shall include an appreciation for the cultural and familial traditions of the child’s parents and also an awareness and appreciation of the broader world in which the child must live; assist the child in developing appropriate language skills; prepare the child to participate in the world of his peers and the broader cultural stream into which he will progressively move as he matures; begin the development of the mental and physical skills and cooperative

attitudes needed for adequate performance in a school setting; and begin the development of his unique character and personality traits.

"The benefits of this program for preschool education shall be extended on a first priority basis to 'educationally handicapped' children below existing age limits as shown in the following table:

QUALIFYING AGE LIMITS
AS OF BEGINNING OF SCHOOL YEAR:

Beginning Age:	1970-71	1971-72	1972-73
Years	5	5	5
Months	5	5	5
Highest Age:			
Years	21	21	21."

Section 2. Emergency Clause. The importance of this legislation and the crowded condition of the calendars in both Houses of the Legislature create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended, and this Act shall take effect and be in force as provided herein from and after its passage, and it is so enacted.

(Mr. Traeger occupied the Chair temporarily)

(Mr. Shannon in the Chair)

Representative Braecklein entered the House and was announced present.

HB 1042—(Consideration continued)

Mr. Hale offered the following amendment to the Howard amendment:

Amend Floor Amendment No. 1 to HB 1042 at bottom of page 1 by changing figures to read as follows:

"Beginning Age:	1970-71	1971-72	1972-73
Years	5	5	5
Months	5	2	0."

(Speaker in the Chair)

The amendment was adopted without objection.

The Howard amendment, as amended, was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for the remainder of today on account of illness:

Mr. Walt Parker on motion of Mr. Tom Holmes.

HB 1042—(Consideration continued)

HB 1042, as amended, failed to pass to engrossment by the following vote:

Yeas—54

Agnich	Craddick	Hull	Pickens
Baker	Davis, D.	Jones, D.	Presnal
Bass, B.	Davis, H.	Jones, G.	Price
Blanton	Doran	Kaster	Rosson
Blythe	Earthman	Kost	Salter
Bowers	Finck	Lee	Short
Burgess	Finney	Lemmon	Solomon
Bynum	Foreman	McAlister	Swanson
Calhoun	Hanna, Joe	Mengden	Tarbox
Cates	Hannah, John	Nabers	Uher
Cavness	Hawn	Niland	Wayne
Christian	Hilliard	Nugent, J.	Williamson
Clayton	Holmes, T.	Ogg	
Cobb	Howard	Patterson	

Nays—61

Adams	Gammage	Moore, A.	Shannon
Allen, Joe	Garcia	Moore, T.	Sherman
Allred	Grant	Moreno	Silber
Bass, T.	Hale	Murray	Simmons
Beckham	Harris	Nelms	Spurlock
Bigham	Hawkins	Newton	Stroud
Boyle	Haynes	Nichols	Traeger
Braecklein	Head	Parker, C.	Truan
Clark	Hubenak	Poerner	Tupper
Coats	Johnson	Poff	Vale
Cruz	Jungmichel	Reed	Von Dohlen
Daniel	Kubiak	Rodriguez	Wieting
Denton	Lewis	Sanchez	Williams
Doyle	Ligarde	Santiesteban	
Farenthold	Lombardino	Schulle	
Finnell	Moncrief	Semos	

Absent

Angly	Atwood	Cole	Kilpatrick
Atwell	Carrillo	Harding	Smith

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

HB 1616 ON SECOND READING

Mr. Foreman moved that all necessary rules be suspended to take up and consider at this time, HB 1616.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1616, A bill to be entitled An Act prohibiting the capturing and transporting of live game animals without having first received written permission from the Parks and Wildlife Commission; and declaring an emergency.

The bill was read second time and failed to pass to engrossment by the following vote:

Yeas—27

Baker	Finney	Hull	Shannon
Blanton	Foreman	Jones, G.	Silber
Calhoun	Garcia	Moncrief	Traeger
Cavness	Harris	Moreno	Tupper
Cobb	Hawkins	Nelms	Wayne
Davis, H.	Hawn	Rodriguez	Williamson
Farenthold	Hubenak	Schulle	

Nays—82

Adams	Davis, D.	Lee	Price
Agnich	Denton	Lemmon	Reed
Allen, Joe	Doran	Lewis	Rosson
Allred	Doyle	Lombardino	Salter
Bass, B.	Earthman	McAlister	Sanchez
Bass, T.	Finck	Mengden	Santiesteban
Beckham	Finnell	Moore, A.	Semos
Bigham	Gammage	Moore, T.	Sherman
Blythe	Grant	Murray	Short
Bowers	Hale	Nabers	Simmons
Braecklein	Hanna, Joe	Newton	Solomon
Burgess	Hannah, John	Nichols	Spurlock
Bynum	Haynes	Niland	Stroud
Cates	Head	Nugent, J.	Tarbox
Christian	Hilliard	Ogg	Truan
Clark	Howard	Parker, C.	Uher
Clayton	Johnson	Patterson	Von Dohlen
Coats	Jungmichel	Pickens	Wieting
Craddick	Kaster	Poerner	Williams
Cruz	Kost	Poff	
Daniel	Kubiak	Presnal	

Absent

Angly	Carrillo	Jones, D.	Swanson
Atwell	Cole	Kilpatrick	Vale
Atwood	Harding	Ligarde	
Boyle	Holmes, T.	Smith	

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

Mr. Jim Nugent moved to reconsider and spread on the Journal the vote by which HB 1616 failed to pass to engrossment.

The motion prevailed without objection.

COMMITTEE MEETING

Mr. Traeger asked unanimous consent of the House that the Committee on Constitutional Amendments be permitted to meet at this time.

There was no objection offered.

HB 686 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 686, A bill to be entitled An Act amending the employers' liability and workmen's compensation laws of this state; amending Section 18a, of Article 8308, Revised Civil Statutes of Texas, 1925, as amended, to authorize and direct the Industrial Accident Board to collect a \$7.50 filing fee from subscribers under the Act; to allocate and disburse the fee according to the terms and provisions of Section 28, Article 8306, Revised Civil Statutes of Texas, 1925, the Workmen's Compensation Fund; providing for a savings clause; repealing all laws in conflict; and declaring an emergency.

The bill was read second time.

Mr. Cobb offered the following amendment to the bill:

Amend HB 686 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 18a, Article 8308, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 18a. Whenever any employer of labor in this state becomes a subscriber to this law, he shall immediately notify the Board of such fact, stating in such notice his name, place of business, character of the business, approximate number of employees, estimated amount of his pay roll and the name of the insurance company carrying his insurance, the date of issuing the policy and the date when the same will expire, and whenever any policy is renewed that fact shall be made known to the Board and the notice thereof shall contain the above facts. Any such notice of renewal of an existing policy, by the same insurance company, may be signed by the licensed local recording agent through whom the renewal policy is issued.

The association shall also report the same to the Board, giving the name of the employer, place of business, character of the business, approximate number of employees, estimated amount of payroll, date of insurance and date of expiration of said policy. The Board is authorized and directed to collect a Seven Dollar and Fifty Cent (\$7.50) filing fee from the subscriber (including self-insurers) at the time of filing for each year of coverage or portion thereof on each legal entity on all policies including renewals and endorsements required to be filed with the Board in accordance with this Section. Said fee to be made payable to the Industrial Accident Board by the employer at the time of filing and shall not be an expense of the association nor considered in any premium rate making procedure. The association shall transmit said fee to the Board. The fees collected hereunder shall be allocated and disbursed according to the terms and provisions of Section 28, Article 8306, Revised Civil Statutes of Texas, the Workmen's Compensation Fund. Any employer or association willfully failing or refusing to make any such report shall be liable for and shall pay to the State of Texas a penalty of not more than one thousand dollars for each offense. The Executive Director of the Board shall notify the Board of any willful failure or refusal to comply with this Section and after notice and hearing, the Board shall make a finding and if said finding is against the employer or association assess a penalty not to exceed one thousand dollars. The employer or association may appeal the Board's ruling de novo as provided in Section 5, Article 8307, Revised Civil Statutes of Texas, 1925, as amended. The Board's ruling if adverse to the employer or association and not appealed as provided above shall be enforced as provided in Section 5a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended."

Section 2. This Act shall be effective July 1, 1971.

Section 3. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

Section 4. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict.

Section 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

HB 686, as amended, was passed to engrossment.

HB 686 ON THIRD READING

Mr. Cobb moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 686 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103

Adams	Denton	Kost	Rosson
Agnich	Doyle	Kubiak	Salter
Allen, Joe	Farenthold	Lemmon	Sanchez
Allred	Finnell	Lewis	Santiesteban
Atwell	Finney	Ligarde	Schulle
Bass, B.	Foreman	Lombardino	Semos
Bass, T.	Gammage	Moncrief	Shannon
Beckham	Garcia	Moore, A.	Short
Bigham	Grant	Moore, T.	Silber
Blanton	Hale	Moreno	Simmons
Boyle	Hanna, Joe	Murray	Solomon
Braecklein	Hannah, John	Nabers	Spurlock
Burgess	Harris	Nelms	Stroud
Bynum	Hawkins	Newton	Swanson
Calhoun	Hawn	Nichols	Tarbox
Cates	Haynes	Niland	Traeger
Cavness	Head	Ogg	Truan
Christian	Hilliard	Parker, C.	Tupper
Clark	Holmes, T.	Patterson	Uher
Clayton	Howard	Pickens	Vale
Cobb	Hubenak	Poerner	Von Dohlen
Craddick	Hull	Poff	Wayne
Cruz	Johnson	Presnal	Wieting
Daniel	Jungmichel	Price	Williams
Davis, D.	Kaster	Reed	Williamson
Davis, H.	Kilpatrick	Rodriguez	

Nays—11

Blythe	Doran	Jones, D.	Nugent, J.
Bowers	Earthman	Lee	Sherman
Coats	Finck	Mengden	

Absent

Angly	Carrillo	Harding	McAlister
Atwood	Cole	Jones, G.	Smith
Baker			

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

The Speaker then laid HB 686 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—114

Adams	Davis, H.	Kaster	Reed
Agnich	Denton	Kilpatrick	Rodriguez
Allen, Joe	Doran	Kost	Rosson
Allred	Doyle	Kubiak	Salter
Atwell	Earthman	Lee	Sanchez
Baker	Farenthold	Lemmon	Santiesteban
Bass, B.	Finck	Lewis	Schulle
Bass, T.	Finnell	Lombardino	Semos
Beckham	Finney	McAlister	Shannon
Bigham	Foreman	Mengden	Short
Blanton	Gammage	Moncrief	Silber
Blythe	Garcia	Moore, A.	Simmons
Bowers	Grant	Moore, T.	Solomon
Boyle	Hale	Moreno	Spurlock
Braecklein	Hanna, Joe	Murray	Stroud
Burgess	Hannah, John	Nabers	Swanson
Bynum	Harris	Nelms	Tarbox
Calhoun	Hawkins	Newton	Traeger
Cates	Hawn	Nichols	Truan
Cavness	Haynes	Niland	Tupper
Christian	Head	Nugent, J.	Uher
Clark	Hilliard	Ogg	Vale
Clayton	Holmes, T.	Parker, C.	Von Dohlen
Coats	Howard	Patterson	Wayne
Cobb	Hubenak	Pickens	Wieting
Craddick	Hull	Poerner	Williams
Cruz	Johnson	Poff	Williamson
Daniel	Jones, D.	Presnal	
Davis, D.	Jungmichel	Price	

Nays—1

Sherman

Absent

Angly	Carrillo	Harding	Ligarde
Atwood	Cole	Jones, G.	Smith

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

Mr. Cobb moved to reconsider the vote by which HB 686 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Grant Jones asked unanimous consent of the House that the Committee on Urban Affairs be permitted to meet at this time.

There was no objection offered.

HCR 160—ADOPTED

(Requesting the Senate to furnish the House with a duplicate copy of SB 748)

Mr. Bigham offered the following resolution:

HCR 160

Whereas, SB 748 has passed the Senate and is in the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Senate be respectfully requested to send a duplicate copy of said SB 748 with proper endorsements back to the House in order for the House to consider said bill.

The resolution was adopted without objection.

HB 28 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 28, A bill to be entitled An Act to amend Chapter 271, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 5421c. Vernon's Texas Civil Statutes), by adding a new Section 5-A providing a procedure whereby a good faith claimant and occupier of land discovered to be possibly vacant may, under specified conditions, purchase said land not to exceed 100 acres; establishing the purchase price of said land; providing for a reservation of royalty to the state on oil, gas, and other minerals; providing for a patent to issue to a good faith claimant; providing that a good faith claimant shall lose his rights to purchase land if he does not timely comply with provisions of this Act; providing that this Act is cumulative of all other laws; providing that this Act shall not affect the rights of any party under any previously executed mineral deed or oil and gas lease, nor the rights of any applicant who has filed or may hereafter file an application under specified existing statute relating to vacant land; providing for notice to the attorney general before action may be taken on the application of a good faith claimant; providing for review of action of the land commissioner relating to application of a good faith claimant; providing that this Act does not affect certain rights involved in litigation upon the effective date of the Act, nor the rights of the state to any oil, gas, or other minerals produced or removed from land purchased under this Act prior to issuance of patent thereon; providing that a good faith claimant with application pending upon effective date of the Act to purchase vacant land shall have benefits of the Act but shall be exempt from certain time limits provided in the Act; and declaring an emergency.

The bill was read second time.

Mr. Pickens offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 28 by striking all below the enacting clause and substituting the following:

Section 1. The following named persons occupying tracts of land in Navarro County or Hill County, which land is identified by the following General Land Office File Numbers, in the good faith belief that they own said land, who have discovered that the lands may be unsurveyed vacant land never having been patented out of the state, may, subject to the conditions set out herein, make application to the Commissioner of the General Land Office to purchase said land from the State of Texas as a good faith claimant:

Howard Taylor, Hubbard, Texas; good faith claimant of 16.8 acres, more or less; General Land Office file SF 16252;

Tom Miller, Hubbard, Texas; good faith claimant of 4.95 acres, more or less; General Land Office file SF 16253;

Mrs. Lorene Young and Thomas Young, Long Island, N.Y.; good faith claimant of 3.16 acres, more or less; General Land Office file SF 16254;

Wayne Allard, Dawson, Texas; good faith claimant of 92.97 acres, more or less; General Land Office file SF 16248;

R. C. Vickery, Dawson, Texas, good faith claimant of 3.69 acres, more or less; General Land Office file SF 16250;

Mrs. Lurine Berry, Dawson, Texas; good faith claimant of 1.49 acres, more or less; General Land Office file SF 16255;

William O. Nesmith, Dawson, Texas; good faith claimant of 19.02 acres, more or less; General Land Office file SF 16249;

George Grimmett; good faith claimant of 21.77 acres, more or less; General Land Office file SF 16260;

James H. Cerf; good faith claimant of 7.33 acres, more or less; General Land Office file SF 16259; and

B. J. Miller; good faith claimant of 1.12 acres, more or less; General Land Office file SF 16251.

To qualify under this section the applicant must have used, occupied, claimed and continuously paid taxes on the land, along with his predecessors in title, with a complete chain of title for the past fifty (50) years in the good faith belief that he owns said land. Said good faith claimant must file an application to purchase said land, along with a One Dollar (\$1.00) filing fee, with the commissioner of the general land office within one year after discovery of the purported vacancy; and after filing said application must, within one hundred and sixty (160) days, furnish to the commissioner of the general land office a survey report and plat prepared by either a licensed state land surveyor or the county surveyor in

the county where any portion of the land is located after the surveyor has made a complete survey of the tract of land covered in the application. The good faith claimant must also furnish to the commissioner of the general land office any other supporting information which the commissioner feels is necessary to support his claim as a good faith claimant. After proper showing, if the commissioner of the general land office determines that the land is vacant and unsurveyed land, and the good faith claimant has complied with this section in establishing his rights as a good faith claimant, then the good faith claimant may purchase said land at market value, less an offset for the cost of the survey work and the cost of providing the vacancy and for all taxes paid by the good faith claimant and his predecessors in title during the past fifty (50) years. In all cases the State of Texas shall reserve a one-sixteenth (1/16) nonparticipating free royalty of the oil, gas and all other minerals. Provided that in all cases in which such vacant and unsurveyed land is located within five (5) miles of a well producing oil, gas or other minerals in commercial quantities, the State of Texas shall reserve a one-eighth (1/8) nonparticipating free royalty on such oil, gas and all other minerals. Upon receipt of the total purchase price paid by the good faith claimant, along with the fees provided by law, the commissioner of the general land office shall issue a patent to the good faith claimant covering the vacant lands included in the application. If the good faith claimant fails to exercise his preference rights within one year after discovery that the land is possibly vacant, or if he fails to complete his application within the 160-day period set out herein, he loses all his rights to purchase as a good faith claimant under this section. This Act is cumulative of all other laws. Nothing in this Act shall affect the rights of any party under any previously executed mineral deed or oil and gas lease.

Sec. 2. Nothing in this Act shall in any way affect, prejudice, alter or destroy any rights of an applicant as good faith claimant under Section 6, Chapter 271, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 5421c, Vernon's Texas Civil Statutes), as amended, who has filed, or may hereafter file, with the county surveyor an application to lease or purchase under said Section 6.

Sec. 3. Upon the filing by a good faith claimant of any application under the provisions of this Act, the attorney general shall be given at least ten (10) days' written notice before any hearing shall be had before the commissioner of the general land office, or action taken by him on such application. Any person, firm or corporation, or the State of Texas, acting by the attorney general, aggrieved by the action of said Commissioner, may, within ninety (90) days after such action, file suit to challenge the legality of such action in the district court of the county wherein any part of such land is located, provided that such ninety (90) day period shall begin to run as to a suit brought by the attorney general as aforesaid upon his receipt of written notice from said commissioner of the action taken by him on such application. The good faith claimant, in any suit brought by the State of Texas, shall be cited as defendant in such cause as in other civil cases. Where suit is brought by the good faith claimant, the commissioner shall be made defendant, and service shall be on the commissioner and on the attorney general.

Sec. 4. This Act shall not in any way affect rights involved in litigation pending in court at the time of the effective date of such Act, which litigation is concerned with the question of the existence of a vacancy on any portion of said land, or the rights or parties claiming same.

Sec. 5. Nothing in this Act shall affect the right of the State of Texas with respect to any oil, gas or other minerals which may have been produced or removed from the land covered by any application to purchase under this Act prior to issuance of the patent thereon.

Sec. 6. Any good faith claimant who shall have pending in the General Land Office upon the effective date of this Act any application to purchase vacant lands, and no patent thereon having issued, shall be entitled to the benefits of this Act, and the time limits referred to in Section 1 of this Act shall not be applicable to any such pending application.

Sec. 7. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Mr. Pickens offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 28 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act providing a procedure whereby certain good faith claimants and occupiers of certain tracts of land discovered to be possibly vacant may, under specified conditions, purchase said land; establishing the purchase price of said land; providing for a reservation of royalty to the state on oil, gas, and other minerals; providing for a patent to issue to a good faith claimant; providing that a good faith claimant shall lose his rights to purchase land if he does not timely comply with provisions of this Act; providing that this Act is cumulative of all other laws; providing that this Act shall not affect the rights of any party under any previously executed mineral deed or oil and gas lease, nor the rights of any applicant who has filed or may hereafter file an application under specified existing statute relating to vacant land; providing for notice to the attorney general before action may be taken on the application of a good faith claimant; providing for review of action of the land commissioner relating to application of a good faith claimant; providing that this Act does not affect certain rights involved in litigation upon the effective date of the Act, nor the rights of the state to any oil, gas, or other minerals produced or removed from land purchased under this Act prior to issuance of patent thereon; providing that a good faith claimant with application pending upon effective date of the Act to purchase vacant land shall have benefits of the Act but shall be exempt from certain time limits provided in the Act; and declaring an emergency.

The committee amendment was adopted without objection.

HB 28, as amended, was passed to engrossment.

HB 28 ON THIRD READING

Mr. Hawkins moved that the constitutional rule requiring bills to be read

on three several days be suspended and that HB 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adams	Davis, H.	Kaster	Reed
Agnich	Denton	Kilpatrick	Rodriguez
Allen, Joe	Doyle	Kost	Salter
Allred	Farenthold	Kubiak	Sanchez
Atwell	Finck	Lee	Santiesteban
Baker	Finnell	Lemmon	Schulle
Bass, B.	Finney	Lewis	Semos
Beckham	Foreman	Lombardino	Shannon
Bigham	Gammage	McAlister	Sherman
Blanton	Garcia	Moncrief	Silber
Boyle	Grant	Moore, A.	Simmons
Braecklein	Hale	Moore, T.	Solomon
Burgess	Hanna, Joe	Moreno	Spurlock
Bynum	Hannah, John	Murray	Swanson
Calhoun	Harris	Nabers	Tarbox
Cates	Hawkins	Nelms	Traeger
Cavness	Hawn	Newton	Truan
Christian	Haynes	Nichols	Tupper
Clark	Head	Niland	Uher
Clayton	Hilliard	Ogg	Vale
Coats	Holmes, T.	Parker, C.	Wayne
Cobb	Howard	Patterson	Wieting
Craddick	Hubenak	Pickens	Williams
Cruz	Hull	Poff	Williamson
Daniel	Johnson	Presnal	
Davis, D.	Jungmichel	Price	

Nays—11

Blythe	Earthman	Nugent, J.	Short
Bowers	Jones, D.	Poerner	Von Dohlen
Doran	Mengden	Rosson	

Absent

Angly	Carrillo	Jones, G.	Smith
Atwood	Cole	Ligarde	Stroud
Bass, T.	Harding		

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

The Speaker then laid HB 28 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—110

Adams	Davis, H.	Kost	Rosson
Agnich	Denton	Kubiak	Salter
Allen, Joe	Doran	Lee	Sanchez
Allred	Doyle	Lemmon	Santiesteban
Atwell	Earthman	Lewis	Schulle
Baker	Farenthold	Lombardino	Semos
Bass, B.	Finck	McAlister	Shannon
Bass, T.	Finnell	Moncrief	Sherman
Beckham	Finney	Moore, A.	Short
Bigham	Foreman	Moore, T.	Silber
Blanton	Gammage	Moreno	Simmons
Blythe	Garcia	Murray	Solomon
Boyle	Grant	Nabers	Spurlock
Braecklein	Hale	Nelms	Stroud
Burgess	Hannah, John	Newton	Swanson
Bynum	Harris	Nichols	Tarbox
Calhoun	Hawkins	Niland	Traeger
Cates	Hawn	Nugent, J.	Truan
Cavness	Haynes	Ogg	Tupper
Christian	Head	Parker, C.	Uher
Clark	Hilliard	Patterson	Vale
Clayton	Holmes, T.	Pickens	Von Dohlen
Coats	Hubenak	Poerner	Wayne
Cobb	Hull	Poff	Wieting
Craddick	Johnson	Presnal	Williams
Cruz	Jones, D.	Price	Williamson
Daniel	Jungmichel	Reed	
Davis, D.	Kaster	Rodriguez	

Nays—2

Bowers	Mengden
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Absent

Angly	Cole	Howard	Ligarde
Atwood	Hanna, Joe	Jones, G.	Smith
Carrillo	Harding	Kilpatrick	

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

Mr. Hawkins moved to reconsider the vote by which HB 28 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 695 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 695, A bill to be entitled An Act authorizing the commissioners court in certain counties to regulate the use of land lying outside the limits of incorporated cities, towns, and villages; providing that no existing structure of use will be affected; providing for notice and hearings; establishing and prescribing the duties of a zoning commission; providing for appeals; providing for enforcement; prescribing penalties; prescribing the effect of conflicting laws; providing exceptions; and declaring an emergency.

Mr. Doran moved that consideration of HB 695 be postponed until 11:00 a.m., May 24.

The motion prevailed without objection.

HB 522 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 522, A bill to be entitled An Act authorizing the governing board of a state-supported institution of higher education to levy and collect from applicants to that institution a nonrefundable application fee of not more than \$20, as determined by the governing board of the institution, from each person applying for admission to the institution; providing that this Act shall be cumulative; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Shannon offered the following amendment to the bill:

Amend HB 522 by striking on line 20 of the Second Printing thereof the words:

"a nonrefundable"

and substituting therefor the word:

"an"

and by adding after the word "fee" on line 25 thereof the following:

"In the event the applicant is refused admission to the institution, his application fee shall be refunded."

The amendment was adopted without objection.

HSR 559—REFERRED TO COMMITTEE

(Creating an interim committee to study educational microwave transmission network)

Mr. Doran offered the following resolution:

HSR 559

Whereas, One of the most pressing problems in Texas today is providing improved educational opportunities for all Texans; and

Whereas, The per student expense of educating students in Texas with the present facilities is continually increasing; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature create a special interim committee to make a study of the feasibility of a regional or statewide educational microwave transmission network. This interim Committee on Educational Microwave Transmission shall examine the economic feasibility of a microwave network or of microwave transmission routes being purchased, leased, or otherwise acquired by regional information network associations to connect member institutions; the contracting by said associations with other nonprofit institutions for network service; the contracting by lease arrangement with existing privately owned microwave network systems for these systems to furnish a network or microwave transmission routes for service to member institutions, nonprofit educational information network associations or a statewide system. The committee shall also study the problems of providing a financial intermediary regarding the billing and payment for services provided for the associations or member institutions in order to determine the most efficient and economical approach; and, be it further

Resolved, That the committee shall be composed of six members, three Members of the House of Representatives and three members of the public, all to be appointed by the Speaker of the House, and that the chairman of the committee shall also be appointed by the Speaker of the House; and, be it further

Resolved, That at the request of the committee chairman, the staff of the Texas Legislative Council shall provide assistance to the committee; and, be it further

Resolved, That actual expenses of the committee and other necessary expenses of operation of the committee shall be paid from the Expense Fund of the House of Representatives. The committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures shall be obtained from the House Administration Committee; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations and drafts of any legislation that may be proposed, to the 63rd Legislature at its regular session in January, 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative

Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

Signed: Doran and McAlister

The resolution was referred to the Committee on Resolutions and Interim Activities.

HSR 560—REFERRED TO COMMITTEE

(Instructing the Legislative Council concerning drafting of bills and joint resolutions)

Mr. Jim Nugent offered the following resolution:

HSR 560

Be it Resolved, That in preparing bills and joint resolutions to be introduced in the regular session of the 63rd Legislature, the Texas Legislative Council be instructed as follows: In the event a bill or joint resolution proposes to amend an existing statute or constitutional provision, the language sought to be deleted shall be inserted in its appropriate place within brackets or parentheses, and language sought to be added shall be underlined; but if the amendment involves a complete redraft of the entire text of a provision, this requirement may be dispensed with to the extent that showing additions and deletions would confuse rather than clarify the amendment; and, be it further

Resolved, That the requirement of showing additions and deletions shall not apply to appropriation bills, redistricting bills, local bills, game bills, recodification bills, or bills not purporting to amend existing articles, sections, or subsections, or to severability, repealer, effective date, or emergency clause sections, or to the standard provision in each joint resolution setting the date of the election and providing for the wording of the ballot proposition; and, be it further

Resolved, That the Council may adopt a method which more clearly shows additions and deletions; and, be it further

Resolved, That this resolution is effective only if and when the Senate adopts a resolution of the same substance.

The resolution was referred to the Committee on Rules.

COMMITTEE MEETING

Mr. Pickens asked unanimous consent of the House that the Committee on Insurance be permitted to meet at this time.

There was no objection offered.

HSR 556—REFERRED TO COMMITTEE

(Creating an interim committee on highway beautification)

Mr. Bynum offered the following resolution:

HSR 556

Whereas, The citizens and taxpayers of Texas have traditionally taken great pride in their magnificent and unexcelled system of highways and public roads and are eager to preserve the beauty of these roadways for themselves, their families, and for the many visitors who come to Texas each year to get firsthand view of the natural and man-made marvels of the Lone Star State; and

Whereas, The beauty of the Texas landscape is often marred by unsightly junk, automobile graveyards, or outdoor advertising, thus spoiling the image of beauty and attraction which the government and citizens of Texas are trying to promote; and

Whereas, Recent federal legislation has been enacted with the hope of beautifying the roadways along primary highway systems and interstate highways, but state compliance with the new federal laws has been seriously hindered by the lack of clear-cut guidelines or regulations; and

Whereas, It is the duty and responsibility of the state government to insure compliance with new federal standards of highway beautification and to continue to upgrade the quality of the landscape along all Texas highways; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim Committee on Highway Beautification; the committee shall study (1) recent federal legislation on highway beautification, (2) possible means of implementing state standards in compliance with the federal laws, and (3) any other related matter which the committee shall deem significant in making a comprehensive report to the Legislature upon the problems mentioned in this resolution; and, be it further

Resolved, That the Speaker of the House shall appoint nine Members of the House of Representatives, including one designated as chairman, to serve on the interim study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five

copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

SCR 104—REFERRED TO COMMITTEE

(Granting George Schaefer permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 104

Whereas, George Schaefer alleges that he was employed by the Texas Treasury Department from November 1, 1970 through December 17, 1970 as an Accountant II; and

Whereas, He alleges that he served as duly elected member of the City Council of the City of Rollingwood, Texas, during this same period; and

Whereas, The 53rd District Court of Travis County, in case number 181,374, styled A. P. Boyett, Sr., et al, versus Robert S. Calvert, Comptroller of Public Accounts and decided December 22, 1970, withheld the salaries of certain Texas A&M University employees under similar circumstances; and

Whereas, George Schaefer alleges that he was not a party to the 53rd District Court case of Boyett v. Calvert and has not been a party defendant in any other action of a similar nature, and had tendered his resignation from elective office prior to December 22, 1970; and

Whereas, The decision of the 53rd District Court in the case of Boyett v. Calvert provided in part as follows:

"This judgment shall not be retroactive nor construed to apply with respect to persons not parties to this action nor with respect to any person or persons being paid by the Comptroller where such person or persons holding elective office and being paid by the Comptroller of Public Accounts of the State of Texas have tendered their resignation from, or vacated, such elective office prior to the entry of this amended judgment"; and

Whereas, George Schaefer alleges that the salary arising out of his employment with the Texas Treasury Department from November 1, 1970 through December 17, 1970 has been withheld by the Comptroller of Public Accounts of the State of Texas because of the decision in the 53rd District Court of Boyett v. Calvert; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That

(1) George Schaefer is granted permission to sue the State of Texas in any court of competent jurisdiction in Travis County, seeking the recov-

ery of salary withheld from him by the Comptroller of Public Accounts, for a reasonable attorneys fee, and costs of the action;

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and

(3) The suit shall be conducted as other civil cases; and, be it further

Resolved, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its departments, agencies or political subdivisions of liability or of the truth of any allegations asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other cases; and, be it further

Resolved, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its departments, agencies, or political subdivisions; and every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

SCR 105—REFERRED TO COMMITTEE

(Granting Gordon Carlson permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 105

Whereas, Gordon Carlson alleges that he was employed by the Texas Water Development Board during the month of November, 1970; and

Whereas, He alleges that he served as duly elected Mayor of the City of Manor, Texas, during this same period; and

Whereas, The 53rd District Court of Travis County, in case number 181,374, styled A. P. Boyett, Sr., et al, versus Robert S. Calvert, Comptroller of Public Accounts and decided December 22, 1970, withheld the salaries of certain Texas A&M University employees under similar circumstances; and

Whereas, Gordon Carlson alleges that he was not a party to the 53rd District Court case of Boyett v. Calvert and has not been a party defendant in any other action of a similar nature, and had tendered his resignation from elective office prior to December 22, 1970; and

Whereas, The decision of the 53rd District Court in the case of Boyett v. Calvert provided in part as follows:

"This judgment shall not be retroactive nor construed to apply with respect to persons not parties to this action nor with respect to any person or persons being paid by the Comptroller where such person or persons holding elective office and being paid by the Comptroller of Public Accounts of the State of Texas have tendered their resignation from, or vacated, such elective office prior to the entry of this amended judgment"; and

Whereas, Gordon Carlson alleges that the salary arising out of his employment with the Water Development Board during the month of November, 1970 has been withheld by the Comptroller of Public Accounts of the State of Texas because of the decision of the 53rd District Court in the case of Boyett v. Calvert; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That

(1) Gordon Carlson is granted permission to sue the State of Texas in any court of competent jurisdiction in Travis County, seeking the recovery of salary withheld from him by the Comptroller of Public Accounts, for a reasonable attorneys fee, and costs of the action;

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and

(3) The suit shall be conducted as other civil cases; and, be it further

Resolved, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its departments, agencies or political subdivisions of liability or of the truth of any allegations asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other cases; and, be it further

Resolved, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its departments, agencies, or political subdivisions; and every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

SCR 106—REFERRED TO COMMITTEE

(Granting William J. Moltz, Jr., permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 106

Whereas, William J. Moltz, Jr., alleges that he was employed by the Texas Water Development Board from November 1, 1970 to December 17, 1970 as an Engineering Technician IV; and

Whereas, He alleges that he served as duly elected Alderman of the City of Buda during this same period; and

Whereas, The 53rd District Court of Travis County, in case number 181,374, styled A. P. Boyett, Sr., et al, versus Robert S. Calvert, Comptroller of Public Accounts and decided December 22, 1970, withheld the salaries of certain Texas A&M University employees under similar circumstances; and

Whereas, William J. Moltz, Jr., alleges that he was not a party to the 53rd District Court case of Boyett v. Calvert and has not been a party defendant in any other action of a similar nature, and had tendered his resignation from elective office prior to December 22, 1970; and

Whereas, The decision of the 53rd District Court in the case of Boyett v. Calvert provided in part as follows:

"This judgment shall not be retroactive nor construed to apply with respect to persons not parties to this action nor with respect to any person or persons being paid by the Comptroller where such person or persons holding elective office and being paid by the Comptroller of Public Accounts of the State of Texas have tendered their resignation from, or vacated, such elective office prior to the entry of this amended judgment"; and

Whereas, William J. Moltz alleges that the salary arising out of his employment with the Water Development Board from November 1, 1970 to December 17, 1970 has been withheld by the Comptroller of Public Accounts of the State of Texas because of the decision of the 53rd District Court in the case of Boyett v. Calvert; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That

(1) William J. Moltz, Jr., is granted permission to sue the State of Texas in any court of competent jurisdiction in Travis County, seeking the recovery of salary withheld from him by the Comptroller of Public Accounts, for a reasonable attorneys fee, and costs of the action:

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and

(3) The suit shall be conducted as other civil cases; and, be it further

Resolved, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its departments, agencies or political subdivisions of liability or of the truth of any allegations asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other cases; and, be it further

Resolved, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its departments, agencies, or political subdivisions; and every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

SCR 107—REFERRED TO COMMITTEE

(Granting Fred E. Geiger permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 107

Whereas, Fred E. Geiger alleges that he was employed by the Texas Water Development Board from November 1, 1970 to December 17, 1970 as an Engineering Technician V; and

Whereas, He alleges that he served as duly elected member of the City Council of the City of Rollingwood, Texas during this same period; and

Whereas, The 53rd District Court of Travis County, in case number 181,374, styled A. P. Boyett, Sr., et al, versus Robert S. Calvert, Comptroller of Public Accounts and decided December 22, 1970, withheld the salaries of certain Texas A&M University employees under similar circumstances; and

Whereas, Fred E. Geiger alleges that he was not a party to the 53rd District Court case of Boyett v. Calvert and has not been a party defendant in any other action of a similar nature, and had tendered his resignation from elective office prior to December 22, 1970; and

Whereas, The decision of the 53rd District Court in the case of Boyett v. Calvert provided in part as follows:

"This judgment shall not be retroactive nor construed to apply with respect to persons not parties to this action nor with respect to any person or persons being paid by the Comptroller where such person or persons holding elective office and being paid by the Comptroller of Public Accounts of the State of Texas have tendered their resignation from, or vacated, such elective office prior to the entry of this amended judgment"; and

Whereas, Fred E. Geiger alleges that the salary arising out of his employment with the Texas Water Development Board from November 1, 1970 to December 17, 1970 has been withheld by the Comptroller of Public Accounts of the State of Texas because of the decision in the 53rd District Court of Boyett v. Calvert; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That

(1) Fred E. Geiger is granted permission to sue the State of Texas in any court of competent jurisdiction in Travis County, seeking the recovery of salary withheld from him by the Comptroller of Public Accounts, for a reasonable attorneys fee, and costs of the action;

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and

(3) The suit shall be conducted as other civil cases; and, be it further

Resolved, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its departments, agencies or political subdivisions of liability or of the truth of any allegations asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other cases; and, be it further

Resolved, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its departments, agencies, or political subdivisions; and every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

SCR 108—REFERRED TO COMMITTEE

(Granting Bettye Baldwin permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 108

Whereas, Bettye Baldwin is a widow residing in Austin, Travis County, Texas; and

Whereas, Employees Retirement System of Texas is a state agency of the State of Texas that is administered by a board of trustees composed of Dave Smith, Leonard W. Cain, Henry O. DeBerry, Jr., J. M. Patterson, Jr., Edward A. Stumpt, and Leo E. Gossett, all of whom are citizens of the State of Texas; and

Whereas, The widow's husband, Dr. Harvey C. Baldwin, deceased, was an employee of the Travis State School at the time of his death and for several years prior thereto, and in connection with his employment contracted hepatitis which caused his death on May 23, 1970; and

Whereas, It was asserted by the said Bettye Baldwin that as the surviving widow of Dr. Harvey C. Baldwin she was eligible for and entitled to benefits under Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes) which provides in Section 8 thereof for the payment of an eligible employee's full annual salary in the event death is an "occupational death"; and

Whereas, Bettye Baldwin made a timely and proper application for benefits for Dr. Baldwin's death (said sum being \$18,000), and the Board of Trustees denied her application for benefits; and

Whereas, Bettye Baldwin has appealed the action of the Board of Trustees to the 53rd District Court of Travis County, Texas, in Cause Number 185,777, in which she asserts she is entitled to such appeal (even though said Article 6228a does not provide for judicial review of the Board of Trustees' action) because such Article 6228a created a property right in case of occupational death and that the Texas and United States Constitutions provide for inherent right of judicial review where a property right is involved; and

Whereas, The Employees Retirement System of Texas and its Board of Trustees have filed an answer in such suit by their attorney, the Attorney General of Texas, in which it asserts, among other defenses, that the action should be abated because the suit is against the State of Texas and the widow, Bettye Baldwin, has not secured the permission of the Legislature to sue the State of Texas; and

Whereas, It is the policy of the Legislature to give and grant to persons the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Bettye Baldwin be and she is hereby granted permission to bring suit against the State of Texas (Employees Retirement System of Texas and its Board of Trustees in their respective official capacity) in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the Employees Retirement System of Texas for the amount of money representing compensable death benefits payable as a result of the

occupational death of Dr. Harvey C. Baldwin, and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Employees Retirement System of Texas and the members of its Board of Trustees; and, be it further

Resolved, That such suit may be filed within two years from the effective date of the resolution; and, be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the state or as to any fact is made by this resolution and it is specifically provided that the facts upon which any recovery is sought must be proved in court as in other civil cases; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defense, of fact as well as of law, that may be asserted by or available to the State of Texas or any of the departments or agencies of the State of Texas or any of the political subdivisions in the State of Texas in said suit but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on Judiciary.

SCR 109—REFERRED TO COMMITTEE

(Granting Howard C. Anderson permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 109

Whereas, Howard C. Anderson alleges that he was employed by the Texas State Board of Insurance from November 1, 1970 through December 8, 1970; and

Whereas, He alleges that he served as duly elected Alderman of the City of Manor, Texas, during this same period; and

Whereas, The 53rd District Court of Travis County, in case number 181,374, styled A. P. Boyett, Sr., et al, versus Robert S. Calvert, Comptroller of Public Accounts and decided December 22, 1970, withheld the salaries of certain Texas A&M University employees under similar circumstances; and

Whereas, Howard C. Anderson alleges that he was not a party to the 53rd District Court case of Boyett v. Calvert and has not been a party defendant in any other action of a similar nature, and had tendered his resignation from elective office prior to December 22, 1970; and

Whereas, The decision of the 53rd District Court in the case of Boyett v. Calvert provided in part as follows:

"This judgment shall not be retroactive nor construed to apply with respect to persons not parties to this action nor with respect to any person or persons being paid by the Comptroller where such person or persons holding elective office and being paid by the Comptroller of Public Accounts

of the State of Texas have tendered their resignation from, or vacated, such elective office prior to the entry of this amended judgment"; and

Whereas, Howard C. Anderson alleges that the salary arising out of his employment with the State Board of Insurance from November 1, 1970 through December 8, 1970 has been withheld by the Comptroller of Public Accounts of the State of Texas because of the decision in the 53rd District Court of Boyett v. Calvert; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That

(1) Howard C. Anderson is granted permission to sue the State of Texas in any court of competent jurisdiction in Travis County, seeking the recovery of salary withheld from him by the Comptroller of Public Accounts, for a reasonable attorneys fee, and costs of the action;

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and

(3) The suit shall be conducted as other civil cases; and, be it further

Resolved, That nothing in this resolution may be construed an admission by the State of Texas, or by any of its departments, agencies or political subdivisions of liability or of the truth of any allegations asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other cases; and, be it further

Resolved, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its departments, agencies, or political subdivisions; and every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

SCR 110—REFERRED TO COMMITTEE

(Granting Ivan Stout permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 110

Whereas, Ivan Stout alleges that he was employed by the Texas Water Development Board from November 1, 1970 through December 1, 1970; and

Whereas, He alleges that he served as a duly elected member of the City Council of the City of Westlake Hills, Texas, during this same period; and

Whereas, The 53rd District Court of Travis County, in case number 181,374, styled A. P. Boyett, Sr., et al, versus Robert S. Calvert, Comptroller of Public Accounts and decided December 22, 1970, withheld the salaries of certain Texas A&M University employees under similar circumstances; and

Whereas, Ivan Stout alleges that he was not a party to the 53rd Dis-

strict Court case of Boyett v. Calvert and has not been a party defendant in any other action of a similar nature, and had tendered his resignation from elective office prior to December 22, 1970; and

Whereas, The decision of the 53rd District Court in the case of Boyett v. Calvert provided in part as follows:

"This judgment shall not be retroactive nor construed to apply with respect to persons not parties to this action nor with respect to any person or persons being paid by the Comptroller where such person or persons holding elective office and being paid by the Comptroller of Public Accounts of the State of Texas have tendered their resignation from, or vacated, such elective office prior to the entry of this amended judgment"; and

Whereas, Ivan Stout alleges that the salary arising out of his employment with the Texas Water Development Board from November 1, 1970 through December 1, 1970 has been withheld by the Comptroller of Public Accounts of the State of Texas because of the decision in the 53rd District Court of Boyett v. Calvert; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That

(1) Ivan Stout is granted permission to sue the State of Texas in any court of competent jurisdiction in Travis County, seeking the recovery of salary withheld from him by the Comptroller of Public Accounts, for a reasonable attorneys fee, and costs of the action;

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and

(3) The suit shall be conducted as other civil cases; and, be it further

Resolved, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its departments, agencies or political subdivisions of liability or of the truth of any allegations asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other cases; and, be it further

Resolved, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its departments, agencies, or political subdivisions; and every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 300 to the Committee on Public Education.

SB 385 to the Committee on State Affairs.

SB 391 to the Committee on State Affairs.

SB 480 to the Committee on Governmental Affairs and Efficiency.

SB 530 to the Committee on Appropriations.

SB 571 to the Committee on Judiciary.

SB 692 to the Committee on Judicial Districts.

SB 696 to the Committee on Criminal Jurisprudence.

SB 745 to the Committee on Insurance.

SB 746 to the Committee on Insurance.

SB 752 to the Committee on Judiciary.

SB 841 to the Committee on Criminal Jurisprudence.

SB 845 to the Committee on Banks and Banking.

SB 872 to the Committee on Insurance.

SB 1021 to the Committee on Appropriations.

SB 1025 to the Committee on Parks and Wildlife.

SB 1026 to the Committee on Parks and Wildlife.

HB 522—(Consideration continued)

The House resumed consideration of HB 522 on its passage to engrossment.

Mr. Presnal offered the following amendment to the bill:

Amend HB 522 line 21 by adding after the figures "\$20" the words "for out-of-state residents and \$10 for Texas residents".

The amendment was adopted without objection.

HB 522, as amended, was passed to engrossment.

Mr. Clayton moved to reconsider the vote by which HB 522 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Cavness, Denton, Kubiak, Moreno, Patterson, Silber, Rodriguez, and Truan requested to be recorded as voting Nay on passage to engrossment of HB 522.

HB 1793 ON SECOND READING

Mr. Lemmon moved that all necessary rules be suspended to take up and consider at this time, HB 1793.

The motion prevailed without objection.

The Speaker laid before the House on its second reading and passage to engrossment.

HB 1793, A bill to be entitled An Act amending Section 1, Chapter 224, Acts of the 56th Legislature, 1959 (Article 1109j, Vernon's Texas Civil Statutes), relating to contracts for the acquisition of water supply systems, water distribution systems and sanitary sewer systems by cities and towns; validating contracts heretofore entered into for such purposes and the proceedings relative thereto; providing a nonlitigation clause; providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

HB 1793 ON THIRD READING

Mr. Lemmon moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1793 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adams	Davis, D.	Jones, G.	Price
Agnich	Davis, H.	Jungmichel	Rosson
Allen, Joe	Denton	Kaster	Salter
Allred	Doyle	Kilpatrick	Sanchez
Atwell	Earthman	Kost	Santiesteban
Baker	Farenthold	Lee	Schulle
Bass, B.	Finck	Lemmon	Semos
Beckham	Finnell	Lewis	Shannon
Bigham	Finney	Ligarde	Sherman
Blanton	Foreman	Lombardino	Short
Blythe	Gammage	McAlister	Silber
Bowers	Garcia	Mengden	Simmons
Boyle	Grant	Moncrief	Solomon
Braecklein	Hale	Moore, A.	Spurlock
Burgess	Hanna, Joe	Moore, T.	Swanson
Bynum	Hannah, John	Murray	Tarbox
Calhoun	Harris	Nabers	Traeger
Cates	Hawkins	Nelms	Truan
Cavness	Hawn	Newton	Tupper
Christian	Haynes	Nichols	Uher
Clark	Head	Ogg	Vale
Clayton	Hilliard	Parker, C.	Wayne
Coats	Holmes, T.	Patterson	Wieting
Cobb	Howard	Pickens	Williams
Craddick	Hubenak	Poerner	
Cruz	Hull	Poff	
Daniel	Johnson	Presnal	

Nays—9

Bass, T.	Moreno	Reed	Von Dohlen
Doran	Nugent, J.	Rodriguez	Williamson
Kubiak			

Present—Not Voting

Niland

Absent

Angly	Carrillo	Harding	Smith
Atwood	Cole	Jones, D.	Stroud

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

The Speaker then laid HB 1793 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—113

Adams	Davis, H.	Kaster	Price
Agnich	Denton	Kilpatrick	Rosson
Allen, Joe	Doran	Kost	Salter
Allred	Doyle	Kubiak	Sanchez
Atwell	Earthman	Lee	Santiesteban
Baker	Farenthold	Lemmon	Schulle
Bass, B.	Finck	Lewis	Semos
Bass, T.	Finnell	Ligarde	Shannon
Beckham	Finney	Lombardino	Sherman
Bigham	Foreman	McAlister	Short
Blanton	Gammage	Mengden	Silber
Blythe	Garcia	Moncrief	Simmons
Bowers	Grant	Moore, A.	Solomon
Boyle	Hale	Moore, T.	Spurlock
Braecklein	Hanna, Joe	Moreno	Stroud
Burgess	Hannah, John	Murray	Swanson
Bynum	Harris	Nabers	Tarbox
Calhoun	Hawkins	Nelms	Traeger
Cates	Hawn	Newton	Truan
Cavness	Haynes	Nichols	Tupper
Christian	Head	Niland	Uher
Clark	Hilliard	Nugent, J.	Vale
Clayton	Holmes, T.	Ogg	Von Dohlen
Coats	Howard	Parker, C.	Wayne
Cobb	Hubenak	Patterson	Wieting
Craddick	Hull	Pickens	Williams
Cruz	Johnson	Poerner	
Daniel	Jones, G.	Poff	
Davis, D.	Jungmichel	Presnal	

Nays—2

Rodriguez Williamson

Absent

Angly	Carrillo	Harding	Reed
Atwood	Cole	Jones, D.	Smith

Absent-Excused

Allen, John	Heatly	McKissack	Slider
Braun	Hendricks	Moore, G.	Stewart
Caldwell	Holmes, Z.	Neugent, D.	Ward
Dramberger	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt
Golman	Longoria	Salem	
Graves	Lovell	Slack	

Mr. Lemmon moved to reconsider the vote by which HB 1793 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 1616—VOTE RECONSIDERED

Mr. Jim Nugent called from the Journal the motion to reconsider the vote by which HB 1616 failed to pass to engrossment on today.

The motion to reconsider prevailed.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for the remainder of today on account of important business:

Mr. Bowers on motion of Mr. Mengden.

Mr. Earthman on motion of Mr. Mengden.

HB 1616 ON PASSAGE TO ENGROSSMENT

The vote by which HB 1616 failed to pass to engrossment having been reconsidered, the Speaker laid before the House on its passage to engrossment, HB 1616.

Mr. Agnich and Mr. Jim Nugent offered the following amendments to the bill:

Amend Section 1 of HB 1616 by inserting the words "captured from the wild and not privately owned," between the words "birds" and "which" on line 17.

Amend Section 2 of HB 1616 by inserting the words "from the wild state and which are not privately owned" between the words "birds" and "which" on line 22.

Amend HB 1616 to add a new section properly numbered to read as follows:

No provisions of this bill shall apply to any game animals or game birds which are privately owned or privately raised.

The amendments were severally adopted without objection.

HB 1616, as amended, was passed to engrossment.

Mr. Foreman moved to reconsider the vote by which HB 1616 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HB 1616 ON THIRD READING

Mr. Foreman moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1616 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—83

Adams	Denton	Kilpatrick	Rosson
Agnich	Farenthold	Kost	Santiesteban
Atwell	Finck	Kubiak	Schulle
Baker	Finnell	Lemmon	Semos
Bigham	Finney	Lewis	Shannon
Blanton	Foreman	Ligarde	Sherman
Blythe	Garcia	Lombardino	Silber
Boyle	Hale	McAlister	Simmons
Braecklein	Hanna, Joe	Moncrief	Solomon
Burgess	Hannah, John	Moore, A.	Spurlock
Bynum	Harris	Moore, T.	Stroud
Cates	Hawkins	Murray	Swanson
Cavness	Hawn	Nabers	Tarbox
Clayton	Hilliard	Nelms	Traeger
Coats	Holmes, T.	Nichols	Truan
Cobb	Howard	Niland	Vale
Craddick	Hubenak	Ogg	Wayne
Cruz	Hull	Parker, C.	Wieting
Daniel	Jones, G.	Presnal	Williams
Davis, D.	Jungmichel	Price	Williamson
Davis, H.	Kaster	Rodriguez	

Nays—26

Allen, Joe	Doran	Newton	Salter
Allred	Doyle	Nugent, J.	Sanchez
Bass, B.	Gammage	Patterson	Short
Bass, T.	Grant	Pickens	Uher
Beckham	Head	Poerner	Von Dohlen
Calhoun	Mengden	Poff	
Clark	Moreno	Reed	

Absent

Angly	Christian	Haynes	Lee
Atwood	Cole	Johnson	Smith
Carrillo	Harding	Jones, D.	Tupper

Absent-Excused

Allen, John	Golman	Longoria	Salem
Bowers	Graves	Lovell	Slack
Braun	Heatly	McKissack	Slider
Caldwell	Hendricks	Moore, G.	Stewart
Dramberger	Holmes, Z.	Neugent, D.	Ward
Earthman	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt

HB 956 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 956, A bill to be entitled An Act amending Chapter 656, Acts of the 61st Legislature, 1969 (Article 5221f, Vernon's Texas Civil Statutes); creating a Performance Certification Board for mobile homes; providing qualifications of members; establishing its duties, responsibilities and procedures; requiring the promulgation of rules and regulations for the enforcement of standards; providing for licensing of dealers requiring seals of approval; authorizing inspections; authorizing state inspectors; authorizing delegation of inspection functions to local governments; authorizing establishment of employment and training requirements for inspectors; requiring the establishment of employment and training requirements for inspectors; requiring the establishment of a schedule of fees; providing for penalties; providing for appeals; and declaring an emergency.

The bill was read second time.

Mr. Spurlock offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 956 by striking all below the enacting clause and insert the following:

Section 1. Chapter 656, Acts of the 61st Legislature, 1969 (Article 5221f, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Short Title. This Act may be cited as the Texas Mobile Homes Standards Act.

"Section 2. Definitions. As used in this Act, unless the context requires a different definition:

"(1) 'Mobile home' means a movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis, over Texas roads and highways under special permit, connected to utilities, and designed without a permanent foundation for year-round living. It may consist of one or

more units that can be telescoped when towed and expanded later for additional capacity or of two or more units, separately towable but designed to be joined into one integral unit.

"(2) 'Seal' means a device or insignia issued by the department to indicate compliance with the standards, rules and regulations established by the department or the board for mobile homes.

"(3) 'Dealer' means any person, other than a manufacturer, as defined herein, firm or corporation, who sells or offers for sale three or more mobile homes in any consecutive twelve month period.

"(4) 'Manufacturer' means any person who manufactures mobile homes and sells to dealers or to the public.

"(5) 'Department' means the Division of State-Local Relations, Office of the Governor, or any successor agency to that division.

"(6) 'Board' means the Performance Certification Board.

"Section 3. Performance Certification Board. (a) There is hereby created the Performance Certification Board which shall promulgate standards and requirements for the manufacture of mobile homes in this state.

"(b) The board shall consist of nine citizens of the state appointed by the governor, including one representative of an incorporated municipality, one representative of an insurer of mobile homes, one manufacturer of industrialized housing, two manufacturers of mobile homes, one architect, one structural engineer, one electrical engineer and one representative of the consumers of Texas.

"(c) The members of the board shall hold office for staggered terms of six years with the terms of three members expiring on September 1st of odd numbered years. In the initial appointments to the board, the governor shall designate three members to serve for two years, three to serve for four years, and three to serve for six years. Each member shall hold office until his successor is appointed and has qualified.

"(d) If a vacancy occurs in the office of one of the members of the board, the position shall be filled by a person appointed by the governor, and the person so appointed shall serve only to the end of the unexpired term.

"(e) The chairman of the board shall be selected by the governor and serve at his pleasure. In the event of the chairman's absence or disability, the members of the board shall elect a temporary chairman by a majority vote of those present at a meeting.

"(f) A member of the board is not entitled to salary for duties performed as a member of the board, but he shall be entitled to \$25 each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing or other authorized business. Each member of the board shall also be entitled to reimbursement for travel and other necessary expenses incurred in performing official duties.

"(g) The chairman, or in his absence a temporary chairman selected by the members of the board present at the meeting, shall preside at all meetings of the board. The board shall have regular meetings at times specified by a majority vote of the board. The chairman may call special meetings at any time. He shall call a special meeting on written request by two or more members of the board. A majority of the board shall constitute a quorum to transact business.

"(h) All staff assistance deemed necessary by the board to carry out the functions and duties assigned to it in this Act shall be provided by the department and shall function under the supervision of the administrative head of the department.

"Section 4. Establishment of Uniform Standards Code. (a) The board shall adopt such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public.

"(1) Said standards and requirements shall be reasonably consistent with the fundamental principles adopted, recommended, or issued as ANSI Standard A119.1 and as amended from time to time by the American National Standards Institute (USASI) applicable to mobile homes.

"(2) It is unlawful for any person to sell or offer for sale within this state any mobile home manufactured after the effective date of this Act unless such mobile home meets the plumbing, heating and electrical installation requirements adopted by the board pursuant to this Act.

"(b) The board shall adopt such standards and requirements for the body and frame design and construction of mobile homes as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public.

"(1) Said standards and requirements shall be reasonably consistent with the fundamental principles adopted, recommended, or issued as ANSI Standard A119.1 and amended from time to time by the American National Standards Institute (ANSI), successor to the United States of America Standards Institute (USASI) applicable to mobile homes as defined herein.

"(2) It is unlawful for any person to sell or offer for sale within this state any mobile home manufactured more than twelve months after the formal adoption and promulgation of standards and requirements for the body and frame design and construction of mobile homes unless such mobile homes meet said standards and requirements.

"(c) The board may adopt and promulgate any changes in and additions to the standards referred to in Subsections (a) and (b) of this section made by the American National Standards Institute.

"(d) At least 30 days before the adoption or promulgation of any change in or addition to the standards authorized in Subsection (c) of this section, the board shall mail to all manufacturers possessing valid certificates of acceptability a notice including:

"(1) a copy of the proposed changes and additions; and

"(2) the time and place that the board will consider any objections to the proposed changes and additions.

"(e) After giving the notice required by Subsection (d) of this Section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any matter.

"(f) The adoption of requirements and standards or modification, amendment or repeal of requirements and standards shall require the approval of the board.

"(g) Every requirement or standard or modification, amendment or repeal of a requirement or standard adopted by the board shall state the date it shall take effect.

"(h) Every requirement or standard or modification, amendment or repeal of a requirement or standard shall, immediately after adoption, be certified by the chairman of the board, or in his absence or where he is unable to act, by the temporary chairman.

"(i) Immediately after their promulgation, the board shall publish all requirements and standards or amendments thereto.

"(j) The standards and requirements adopted or promulgated by the board for the installation of plumbing, heating and electrical systems in mobile homes and for the body and frame design and construction of mobile homes shall be known as the Uniform Standards Code for Mobile Homes (hereinafter referred to as the 'Code').

Section 5. Regulations. (a) It is unlawful for any manufacturer to manufacture mobile homes in this state more than twelve months after the formal adoption and promulgation of standards and requirements for the body and frame design and construction of mobile homes unless such manufacturer has been issued a certificate of acceptability for such mobile homes from the department. This provision shall not, however, apply to mobile homes manufactured in this state and designated for delivery to and sale in a state that has a code that is inconsistent with this Act.

"(b) The department shall require that the manufacturer establish and submit to the department for approval systems for quality control and transportation, prior to the issue of certificates of acceptability.

"(1) The department shall issue a certificate of acceptability to any manufacturer within or without this state upon receipt of an application from such manufacturer to which is attached an affidavit certifying that any mobile home manufactured by the applicant will be built in compliance with the code.

"(2) Each application by a manufacturer for a certificate of acceptability shall be accompanied by quality control plans which will provide adequate evidence that the mobile homes for which a certificate of acceptability is requested will in fact be manufactured in compliance with the code.

"(3) Prior to the issuance of a certificate of acceptability to a manufacturer, the department shall require the submission of a description of

a transportation system which will provide adequate evidence that movement of the mobile homes will not result in deviations from requirements set out in the code.

"(c) No mobile home for which a certificate of acceptability had been issued shall be modified in any way prior to installation without prior written approval of the department.

"(d) The board may determine that the standards for mobile homes established by a state or a recognized body or agency or the federal government are at least equal to the code. If the department finds that such standards are actually enforced then it shall issue a certificate of acceptability for such mobile homes.

"(e) The department shall make and enforce rules and regulations reasonably required to effectuate the provisions of this Act and may amend or revoke any rule it makes.

"(f) At least 30 days before the adoption or promulgation of any change in or addition to the rules and regulations authorized in Subsection (e) of this section the department shall mail to all manufacturers possessing valid certificates of acceptability a notice including:

"(1) a copy of the proposed changes and additions; and

"(2) the time and place that the department will consider any objections to the proposed changes and additions.

"(g) After giving the notice required by Subsection (f) of this Section, the department shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any matter.

"(h) Every rule or regulation or modification, amendment or repeal of a rule or regulation adopted by the department shall state the date it shall take effect.

"(i) Immediately after their promulgation, the department shall publish all rules and regulations or amendments thereto.

"Section 6. Dealers. It is unlawful for any dealer within or without this state to sell or offer for sale to dealers or to the public of this state more than twelve months after the adoption or promulgation of the code any mobile home the manufacturer of which has not been issued a certificate of acceptability by the department or which does not bear a seal of approval issued by the department.

"Section 7. Seal of Approval. (a) No manufacturer who has received a certificate of acceptability from the department may sell or offer for sale in this state mobile homes unless such mobile homes bear a seal of approval issued by and purchased from the department.

"(b) Any dealer who has acquired a used mobile home without a seal may apply to the department for a seal along with an affidavit that the unit has been brought up to or meets the code.

"Section 8. In-Plant Inspection. (a) The department is empowered to inspect, at the place of manufacture, all mobile homes for which it has issued certificates of acceptability. The department may, at its discretion, accept in-plant inspection reports by a recognized body or agency having follow up in-plant inspection service certifying that the mobile homes comply with the terms and conditions of the certificate of acceptability.

"(b) The department may establish and require such training programs in the concept, techniques, and inspection of mobile homes for the personnel of local governments, as the department considers necessary.

"Section 10. Employment of State Inspectors. (a) The department may set qualification, employ and fix the compensation of such state inspectors as the department deems necessary to carry out the functions of this Act.

"(b) To carry out the provisions of the Act, the department may authorize the state inspectors to travel within or without the state for the purpose of inspecting the manufacturing facilities for mobile homes or for any other purpose in connection with the Act.

"Section 11. Fees and Charges. (a) The board with the advice of the department shall establish a schedule of fees to pay the cost incurred by the department for the work relating to the administration and enforcement of this Act.

"(b) The board shall set a fee for the issuance and annual renewal of certificates of acceptability which shall not exceed \$100 per year.

"(c) The board shall also set a charge for the issuance of seals of approval which shall not exceed \$3 per seal.

"(d) All fees shall be paid to the state treasury and placed in a special account for the use of the department in the administration and enforcement of this Act.

"Section 12. Penalties. (a) Any manufacturer who violates or fails to comply with this Act shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within 60 days. Should the manufacturer fail to make the necessary correction(s) within the specified time, the department may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:

"(1) the manufacturer has failed to pay the fees authorized by this Act; or that

"(2) the manufacturer, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act.

"(b) The hearing shall be held upon 15 days' notice in writing setting forth the time and place thereof and a concise statement of the facts alleged to sustain the suspension or revocation and its effective date shall be set forth in a written order accompanied by findings of fact and a copy thereof shall be forthwith delivered to the manufacturer. Such order,

findings, and the evidence considered by the department shall be filed with the public records of the department.

"(c) The department may obtain injunctive relief from any court of competent jurisdiction to enjoin the sale or delivery of any mobile home in this state upon an affidavit of the department specifying the manner in which such mobile home does not conform to the requirements of this Act or to the rules and regulations issued by the department pursuant hereto.

"(d) Any person who manufactures, sells, or offers for sale a mobile home in this state in violation of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding Two Hundred Dollars (\$200) per day or by confinement not exceeding 30 days, or both.

"Section 13. Appeals. (a) The board shall hear appeals brought by any person or party regarding the application to such person or party of any rule, regulation or standard promulgated pursuant to this Act.

"(b) The board shall promulgate such rules and regulations as necessary to the conduct of hearings on appeals provided for in this Section."

Sec. 2. Effective Date. This Act shall take effect on September 1, 1971.

Sec. 3. Applicability. No mobile home manufactured or sold prior to the time limitation included in this Act shall be affected by its provisions.

Sec. 4. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. Emergency Clause. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Spurlock offered the following amendment to Committee Amendment No. 1:

Amend Sec. 6 of Committee Amendment No. 1 by inserting the following:

"Section 6. Dealers. It is unlawful for any dealer within or without this state to sell or offer for sale to dealers or to the public of this state any mobile home manufactured more than twelve months after the adoption or promulgation of the code unless said mobile home complies with the code, bears a seal of approval issued by the department, and is the manufactured product of a manufacturer possessing a current certificate of acceptability issued by the department.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 956, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Adams, Calhoun, and Joe Hanna requested to be recorded as voting Nay on the passage to engrossment of HB 956.

HB 956 ON THIRD READING

Mr. Hull moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 956 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93

Agnich	Denton	Kaster	Salter
Allen, Joe	Doyle	Kost	Santiesteban
Atwell	Farenthold	Lee	Schulle
Baker	Finnell	Lewis	Semos
Bass, B.	Finney	Ligarde	Shannon
Bigham	Foreman	Lombardino	Sherman
Blanton	Gammage	McAlister	Short
Blythe	Garcia	Moncrief	Silber
Boyle	Grant	Moore, A.	Simmons
Braecklein	Hale	Moore, T.	Solomon
Burgess	Hannah, John	Murray	Swanson
Bynum	Harris	Nabers	Tarbox
Cates	Hawkins	Nelms	Traeger
Cavness	Hawn	Newton	Truan
Christian	Haynes	Nichols	Tupper
Clark	Hilliard	Niland	Uher
Clayton	Holmes, T.	Ogg	Vale
Coats	Howard	Parker, C.	Wayne
Cobb	Hubenak	Poerner	Wieting
Craddick	Hull	Poff	Williams
Cruz	Johnson	Presnal	Williamson
Daniel	Jones, D.	Price	
Davis, D.	Jones, G.	Rodriguez	
Davis, H.	Jungmichel	Rosson	

Nays—18

Adams	Doran	Mengden	Reed
Allred	Finck	Moreno	Sanchez
Bass, T.	Hanna, Joe	Nugent, J.	Von Dohlen
Beckham	Head	Patterson	
Calhoun	Kubiak	Pickens	

Absent

Angly	Cole	Lemmon	Stroud
Atwood	Harding	Smith	
Carrillo	Kilpatrick	Spurlock	

Absent-Excused

Allen, John	Golman	Longoria	Salem
Bowers	Graves	Lovell	Slack
Braun	Heatly	McKissack	Slider
Caldwell	Hendricks	Moore, G.	Stewart
Dramberger	Holmes, Z.	Neugent, D.	Ward
Earthman	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt

The Speaker then laid HB 956 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—101

Agnich	Doyle	Lewis	Sanchez
Allen, Joe	Farenthold	Ligarde	Santiesteban
Atwell	Finck	Lombardino	Schulle
Baker	Finnell	McAlister	Semos
Bass, B.	Finney	Moncrief	Shannon
Bass, T.	Foreman	Moore, A.	Sherman
Bigham	Gammage	Moore, T.	Short
Blanton	Garcia	Moreno	Silber
Blythe	Hale	Murray	Simmons
Boyle	Hannah, John	Nabers	Solomon
Braecklein	Harris	Nelms	Spurlock
Burgess	Hawkins	Newton	Swanson
Bynum	Hawn	Nichols	Tarbox
Cates	Haynes	Niland	Traeger
Cavness	Hilliard	Nugent, J.	Truan
Christian	Holmes, T.	Ogg	Tupper
Clark	Howard	Parker, C.	Uher
Clayton	Hubenak	Pickens	Vale
Coats	Hull	Poerner	Von Dohlen
Cobb	Johnson	Poff	Wayne
Craddick	Jones, D.	Presnal	Wieting
Cruz	Jones, G.	Price	Williams
Daniel	Jungmichel	Reed	Williamson
Davis, D.	Kaster	Rodriguez	
Davis, H.	Kost	Rosson	
Doran	Lemmon	Salter	

Nays—12

Adams	Calhoun	Hanna, Joe	Lee
Allred	Denton	Head	Mengden
Beckham	Grant	Kubiak	Patterson

Absent

Angly	Carrillo	Harding	Smith
Atwood	Cole	Kilpatrick	Stroud

Absent-Excused

Allen, John	Golman	Longoria	Salem
Bowers	Graves	Lovell	Slack
Braun	Heatly	McKissack	Slider
Caldwell	Hendricks	Moore, G.	Stewart
Dramberger	Holmes, Z.	Neugent, D.	Ward
Earthman	Ingram	Orr	Wolff
Floyd	Jones, E.	Parker, W.	Wyatt

Mr. Hull moved to reconsider the vote by which HB 956 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 814 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 814, A bill to be entitled An Act authorizing counties to regulate subdivision development and construction standards in unincorporated areas; providing for city approval of county regulation in extraterritorial jurisdictions; requiring the filing of plats and plat approval by commissioners courts; authorizing commissioners courts to exercise powers granted by this Act; providing penalties; and declaring an emergency.

Mr. Atwell moved that consideration of HB 814 be postponed until 11:00 a.m., Monday, May 24.

The motion prevailed without objection.

HB 605 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 605, A bill to be entitled An Act amending Article 1722a, Texas Penal Code, as last amended by Chapter 180, Acts of the 61st Legislature, Regular Session, 1969, to provide for the registration of all motorboats; establish fees; establish numbering specifics; provide for safety equipment on all watercraft; clarify enforcement procedures; provide for markers on public waters; provide for the acceptance of federal grants; and declaring an emergency.

The bill was read second time.

Mr. John Hannah offered the following amendment to the bill:

Amend Second Printing of HB 605 by adding the following after the word "board" on page 6 line 25 thereof:

; when on waters of Lake Livingston, Lake Rayburn or Toledo Bend Lake, such life preserver, life belt, ring buoy or other device prescribed by the regulations of the Commandant of the Coast Guard shall be attached to each person on board a boat or vessel which is propelled by

a motor of 10 horsepower, or more, if such boat or vessel is underway under the power of such 10 horsepower motor, or more.

The amendment was adopted.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the adoption of the amendment by Mr. John Hannah to HB 605.

HB 605, as amended, was passed to engrossment.

Mr. Atwell moved to reconsider the vote by which HB 605 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Haynes, Kubiak, Nabers, Salter, and Spurlock requested to be recorded as voting Nay on the passage to engrossment of HB 605.

PROVIDING FOR A LOCAL AND CONSENT CALENDAR OF BILLS

Mr. Jim Nugent moved to suspend all necessary rules and set a Local and Consent Calendar of Bills for Monday, May 24, at 3:00 p.m.

The motion prevailed without objection.

RECESS

Mr. Adams moved that the House recess until 10:00 a.m. next Monday.

The motion prevailed without objection.

The House accordingly, at 7:08 p.m., recessed until 10:00 a.m. next Monday.

EIGHTY-FIRST DAY (continued)—MONDAY, MAY 24, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Bass, T.	Caldwell	Cruz
Adams	Beckham	Calhoun	Daniel
Agnich	Bigham	Carrillo	Davis, D.
Allen, Joe	Blanton	Cates	Davis, H.
Allen, John	Blythe	Christian	Denton
Angly	Boyle	Clark	Doran
Atwell	Braecklein	Clayton	Doyle
Atwood	Braun	Coats	Dramberger
Baker	Burgess	Cobb	Finnell
Bass, B.	Bynum	Craddick	Finney